



**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:** February 4, 2009  
**To:** Interested Person  
**From:** Shawn Burgett, Land Use Services  
503-823-3581 / [BurgettS@ci.portland.or.us](mailto:BurgettS@ci.portland.or.us)

**NOTICE OF A TYPE II<sub>x</sub> DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

**CASE FILE NUMBER: LU 08-150674 LDP**

**GENERAL INFORMATION**

**Applicant:** Bill Sharp  
3028 SE 101st  
Portland, OR 97266  
503-761-8080

**Site Address:** 3098 SE 101st Ave

**Legal Description:** PARTITION PLAT 2008-82 FOR 2008/PITTOCK GROVE; LOT 16, BLOCK 10

**Tax Account No.:** R660603600  
**State ID No.:** 1S2E09AD 00200  
**Quarter Section:** 3340

**Neighborhood:** Powellhurst-Gilbert, contact John McDonald at 503-753-4226.  
**Business District:** Midway, contact Bill Dayton at 503-252-2017.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin

**Zoning:** R5a (Single Family Residential-5,000)

**Other Designations:** Potential Landslide Hazard Area

**Case Type:** LDP (Land Division Partition)  
**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant is proposing a 2-lot land division for attached housing on the site. This site was recently divided into 3 lots and a private street tract under FP\_07\_126116. The applicant is now proposing to re-divide Parcel 1 (the corner lot with the existing house) from FP\_07\_126116. The applicant is utilizing Zoning Code section 33.110.240.E.2, which

allows one extra dwelling unit for attached housing on corner lots. The original lot, before the division for the attached house proposal, must comply with the minimum lot size standard for new lots in the base zone. The applicant is meeting this standard by proposing to construct an attached unit on proposed Parcel 2 (3,485 sq. ft.), which will be attached to the existing house on proposed Parcel 1 (3,558 sq. ft.) The new unit on proposed Parcel 2 will take vehicle access and be orientated to face SE 101st Ave.

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

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

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The approval relevant criteria are:

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**

## ANALYSIS

**Site and Vicinity:** The site is located directly north of Kelly Butte Park which is heavily forested and surrounds the site on its eastern and southern boundaries, and is also located west of the site across SE 101st Ave. The properties located north of the site along SE 101<sup>st</sup> Avenue are made up of predominately single family homes of various types and sizes. The site slopes downward from east to west and has one existing detached single family home located in the western portion of the site. The properties located directly east of the site are zoned R10, a low density residential zone.

**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 Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

**Land Use History:** This site was divided into 3 lots and a private street tract under LU\_07\_126116. Additionally, a tree violation review, LU\_08\_120252\_TV was completed for this site due to the removal of a tree protected under LU\_07\_126116. The tree preservation requirement of LU 07\_126116 and 08\_120252 continue to apply.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on October 13, 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:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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	Not applicable to this review – Tree Preservation of previous land use reviews continue to apply to this site. It should be noted that the root protection zone of several trees protected under LU_07_126116 & LU_08_120252_TV encroach into Parcel 1. No new development is proposed within the root protection zone of these trees.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Applicable - See findings below.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Applicable - See findings below.
I	33.639	Solar Access	Not Applicable – Does not apply to attached houses.
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

Criterion	Code Chapter	Topic	Applicability Findings
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 or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. For attached houses, the original lot, before the division for the attached house proposal, must comply with the minimum lot size standards for new lots in the R5 zone. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses.

The applicant intends to convert the existing structure on the site to attached housing through the proposed land division. The additional lot is allowed provided that the structure is converted to two attached houses complying with the rowhouse building code standards (see additional discussion under the Technical Requirements section of this report).

With a condition of approval limiting the development on Parcels 1 and 2 to one attached house each, the density standards are met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the

planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

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

	<b>R5 Zone Requirement</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>
Minimum Lot Area	3,000 sq. ft.	3,558 sq. ft.	3,485 sq. ft.
Maximum Lot Area	8,500 sq. ft.		
Minimum Lot Width*	36 ft.	57.45 ft.	52 ft.
Minimum Lot Depth	50 ft.	68 ft.	67 ft.
Minimum Front Lot Line	30 ft.	57.45 ft.	52 ft.

\* Width is measured at the minimum front building setback line

\*\* Lots 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. For attached houses, the original lot, before the division for the attached house proposal, must comply with the minimum lot size standards for new lots in the R5 zone.

#### Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots. To use this provision, the original corner lot, before division must meet the minimum lot size standard of the R5 zone. Taken together (before the division), Parcels 1 and 2 combined are 7,043 square feet in area, which exceeds the minimum requirement of 3,000 square feet in the R5 zone. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

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

#### **D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.**

##### **33.632.100 Landslide Hazard Area Approval Criterion**

**The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.**

**Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.**

**Findings:** The entire site is located within the Potential Landslide Hazard Area. In order to evaluate the proposal against this criteria, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibits A-2 and A-3). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

A geotechnical report was reviewed by Site development during the 3 lot land division (LU\_07-126116\_LDS) that created the 3 lots and private street on this site (exhibit A-3). The applicant has also submitted an addendum (exhibit A-2) to that report in order to demonstrate that Parcel 1 from the original 3 lot land division can be re-divided into two lots for attached housing without causing any significant impact on the site's slope stability or stormwater management capacity. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because the soils and slopes at the site indicate that an on-site method of disposal such as the proposed drywells are acceptable. Additionally, the existing flow through planter in the private street is adequately sized to accommodate additional runoff from the proposed new driveway for the existing house on Parcel 1.

Site Development has concurred with the findings of the applicant's geotechnical report. This criteria is met.

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

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

**33.635.100 – Clearing and Grading**

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

**Findings:** The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is slightly sloped and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan was not submitted with the land division application however, the applicant did submit a Landslide Hazard Report (Exhibits A-2 and A-3) that describes how clearing and grading should occur on the site to minimize erosion risks.

Following the recommendations of the Landslide Hazard Study will help to limit erosion and sedimentation concerns by managing stormwater and having a professional civil engineer review all proposed grading and building plans to observe that the newly excavated foundations are supported by firm native soil or documented engineered fill as recommended in the applicants geotechnical report (exhibit A-2). Stormwater runoff from the lots will be appropriately managed onsite by drywells, while runoff from the new driveway proposed on Parcel 1 will be directed to the existing flow through planter in the private street to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report).

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal. 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.**

**Findings:** 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 cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

**H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

### **33.636.100 Requirements for Tracts and Easements**

**A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:**

- 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**
- 3. A public or private non-profit organization; or**
- 4. The City or other jurisdiction.**

**Findings:** The existing private street is currently owned by lots 1-3 of Partition Plat 2008-082, however after the approval of this land division the street must be owned by all of the lots that will use or abut it. All the existing and proposed lots abutting this private street tract are currently under common ownership. Therefore the existing maintenance agreement for the private street must be re-drafted and re-recorded as part of this approval.

With a condition that the proposed tract be owned in common by the owner of Parcel 2 and Lots 1-3 of Partition Plat 2008-082, this criterion can be 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 52 feet of frontage on SE 101<sup>st</sup> Ave. SE 101<sup>st</sup> Ave is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 1,400 feet from the site on SE Division St. via bus 4. Parking is currently allowed on SE 101<sup>st</sup> Ave on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house. The site also has approximately 123 ft. of frontage along the private street (SE Tibbetts Ct.) which is adequately sized to handle an additional lot and can continue to provide access to proposed Parcel 1 and the new driveway proposed off of the private street tract.

As a condition of land use approval for LU\_07\_126116\_LDP (the land division that took place prior to this current land division, and created 3 lots and a Private street), the Office



of Transportation required the applicant to improve the frontage of the site to City standards, with curbs, sidewalks and a sweeper turnaround. The plans have been approved for construction under Public Works Transportation Permit #43933. The applicant will be required to complete construction of the frontage improvements prior to occupancy of any building permit issued for Parcel 2 of this proposal.

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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This 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.**

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

- The water standards of 33.651 have been verified. An existing 6-inch water main is located in SE 101<sup>st</sup> Ave, this main currently provides water service to the existing house located on Parcel 1 and can provide water service to any new development on Parcel 2. The Water Bureau and the applicant have indicated that the existing water service to the existing house will be fully located within the property boundary of Parcel 1 following land division approval. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8 inch public sanitary sewer located in SE 101<sup>st</sup> Ave that can serve the sanitary needs of the proposed lots.

As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 will cross over Parcel 2 to reach the sewer main in SE 101<sup>st</sup> Avenue. The applicant must obtain a plumbing permit to cap the existing sewer connection and establish a new service for the house Parcel 1. If an easement is proposed to allow continue use of the existing lateral, the applicant must get permission from Site Development to place the existing sewer service into an easement over Parcel 2 for the benefit of Parcel 1. If the easement is allowed, the easement must be shown on the Final Plat. A Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. If a new sewer connection is established for the house, all plumbing permits must receive final inspection approval prior to Final Plat approval.

- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

**33.653.020 Stormwater Management Approval Criteria**

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

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

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

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

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

The applicant has proposed the following stormwater management methods (Exhibit C-1 and A-4), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcel 2:** Stormwater from this lot will be directed to an individual 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 drywell.
- **Parcel 1 (the lot with the existing house):** Site Development reviewed a revised Site Plan that shows a drywell on Parcel 1. The applicant submitted a report from Apollo Drain and Rooter (exhibit A-5) that states that the rain drain system for the existing house on Parcel 1 is damaged; the report does not confirm that there is a drywell in the location shown on the Site Plan. Prior to final plat approval, final approval of a plumbing permit to repair/install rain drains and a drywell will be required; all downspouts on the existing house must be directed to the new drywell system, unless otherwise approved by Site Development. Final approval of a decommissioning permit will be required prior to final plat approval for any existing drywells, unless the applicant demonstrates to the satisfaction of Site Development that the existing drywell(s) are functioning properly and meet setback requirements. Drywells and soakage trenches may not be located any closer than 10 feet to any structures (including structures on adjacent property) and 5 feet to any property lines, as measured from the middle of the facility. Additionally, Site Development reviewed a

report from Tallman Engineering dated December 24, 2008. The calculations provided confirm that the existing flow-through planter for the private street is adequately sized to accommodate additional runoff from the proposed new driveway for the existing house on Parcel 1.

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

### **Right of Way Approval Criteria**

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

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

**Applicable Approval Criteria are:**

**33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:**

- a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

**Findings:** The site is located approximately 800 feet south of the nearest east-west through street SE Clinton St. to the north and approximately 1,580 feet north of SE Foster Rd. which is the nearest east-west through street to the south. There are north-south through streets in the vicinity of the site. The site fronts on SE 101<sup>st</sup> Ave which dead ends adjacent to the site at the park. SE 103<sup>rd</sup>, which is located approximately 350 ft. from the site is also a dead-end street that connects to an east-west street to the north. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should be an east-west through street provided in the vicinity of the site.

The site has already been developed with a private street and three lots (LU\_07\_126116). So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection in the area, there is no practicable opportunity to provide them in this land division.

The site is within the Portland Master Street Plan for the Far Southeast District. This Master Street Plan does not show any through north-south or east-west public street in this area. Therefore, the proposal is consistent with the master street plan.

The only new through pedestrian connections included in the proposal are new sidewalks along the frontage of the site along SE 101<sup>st</sup> Ave Street. This is a connection on which users will be able to see the ending of the pedestrian route from the entrance.

For the reasons described above, this criterion is met.

## **DEVELOPMENT STANDARDS**

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

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

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

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

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E. The address and main entrance of each house must be oriented to a separate street frontage. Development on Parcel 1 must be oriented toward SE Tibbett's Court (the private street) and development on Parcel 2 must be oriented toward SE 101st Avenue.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone (Please see section on Other Technical Standards for Building Code standards.)

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

- Attached houses – In this case the applicant has an option of converting the existing structure to attached houses during the review of the Final Plat. If the applicant applies for the permits for this conversion prior to Final Plat approval then the new common wall(s) between the units must be located directly on the new property lines(s). A supplemental survey is required at the time of final plat to ensure that the structures can comply with all of the development standards for attached houses that apply in the R5 zone. In addition the supplemental survey must verify that the common wall(s) between the structures will be located on the new property line(s).
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A gravel parking pad provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 1 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new

parking space will be required prior to final plat approval.

- **Main Entrances** -- In this zone, the main entrance of residential structures must face a street, or open onto a porch that faces the street. The main entrance for the existing house that will remain on Parcel 1 currently faces SE 101<sup>st</sup> Ave. Because a new lot will be created between Parcel 1 and SE 101<sup>st</sup> Ave, the main entrance on the existing house must be modified to face the new private street to bring the house into conformance with the main entrance standards. Prior to final plat approval, the applicant must do one of the following: 1) Demonstrate through pictures and a scaled drawing that the south facing façade of the existing house on Parcel 1 meets the main entrance requirement described above, or alternatively; 2) Finalize a building permit to make modifications to the house that will remain on Parcel 1 to demonstrate compliance with the main entrance requirement after the land division is recorded.
- **Street-Facing Facades in R10 through R2.5 Zones** -- In this zone, street-facing facades of residential structures are required to have windows that comprise at least 15 percent of the façade area. As discussed above, the existing house that will remain on Parcel 1 must change its orientation to meet the corner lot and main entrance standards. It is unclear whether the existing house currently meet the 15 percent window standard for the new south facing front facade of the house, which is currently oriented toward SE 101<sup>st</sup> Ave. After the land division, the only street frontage for this house will be provided by SE Tibbett's Ct. (Private Street). Prior to final plat approval, the applicant must do one of the following: 1) Demonstrate through pictures and a scaled drawing that the south facing façade of the existing house on Parcel 1 meets the 15 percent window requirement or alternatively; 2) Finalize a building permit to make modifications to the house that will remain on Parcel 1 to demonstrate compliance with 33.110.232.C after the land division is recorded.

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.

<b>Bureau</b>	<b>Code Authority</b>	<b>Topic</b>	<b>Contact Information</b>
Water Works	Title 21	Water availability	503-823-7404 <a href="http://www.water.ci.portland.or.us/">http://www.water.ci.portland.or.us/</a>
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 <a href="http://www.bes.ci.portland.or.us/">http://www.bes.ci.portland.or.us/</a>
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 <a href="http://www.fire.ci.portland.or.us/">http://www.fire.ci.portland.or.us/</a>

<b>Bureau</b>	<b>Code Authority</b>	<b>Topic</b>	<b>Contact Information</b>
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 <a href="http://www.trans.ci.portland.or.us/">http://www.trans.ci.portland.or.us/</a>
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 <a href="http://www.bds.ci.portland.or.us.">http://www.bds.ci.portland.or.us.</a>

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 is adding an additional lot to an existing private street (SE Tibbett's Ct.) that currently serves 3 lots. Site development had requested that a sidewalk be added to the private street since the addition of another lot (parcel 2) would increase the amount of lots served by the private street to 4 lots, which triggers a sidewalk, per Building Code. The applicant applied for a building code appeal (#5852) to waive the sidewalk requirement for the existing private street. The appeal was granted provided that the new lot (Parcel 2) does not have access to the private street. Therefore a condition of approval has been added that requires all vehicle access to Parcel 2 to come from SE 101<sup>st</sup> Ave.
- The applicant must meet the requirements of the Fire Bureau per fire code appeal #5780, in regards to recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2. These requirements are based on the technical standards of Title 31 and Fire Bureau Code.
- To comply with building code requirements, the existing structure and the new unit will need to meet the building code requirements for rowhouses located on individual lots. The applicant may construct the new unit and attach it to the existing house concurrently under one permit, or as two permits – one to make the house ready to be attached to and a second to construct the additional unit. If the applicant chooses to handle all of the construction under one permit, then this can be done during the review of the final plat, or after the plat is recorded.

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

“A Operations and Maintenance Agreement for Common Building Elements has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”

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

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

## CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: decommissioning the cesspool located on the site; installing a new drywell for the existing house on parcel 1; documenting that the existing house on parcel 1 meets all main entrance and street facing façade requirements and; either taking out building permits to add an addition on to the existing structure that will provide a firewall along the new property line; or apply for townhouse house permits to convert the existing structure and construct the new units at the same time; or alternatively execute a covenant with the City that states that the lots and homes cannot be sold separately until all building code requirements to convert the structure to rowhouses is complete.

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 two lots for attached housing as illustrated with Exhibit C-1, subject to the following conditions:

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



- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- The as-built location of the new sewer lateral (if required) and drywell for the existing house on Parcel 1 must be shown after the plumbing permits are finalized.
- The location of the proposed common wall(s) between units in relationship to the new property line(s)
- Any other information specifically noted in the conditions listed below.

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

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions C.8 and C.9 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing cesspool on the site.
2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services and obtain final approval of a plumbing permit to cap and relocate the sewer line for the existing house on Parcel 1. The as-built location of the new sewer lateral must be shown on the supplemental survey after the plumbing permits are finalized. If an easement is proposed to maintain existing service, Site Development review and approval is required. The easement must be shown on the final plat and a maintenance agreement would be required.
3. The applicant must meet the requirements of Site Development for the stormwater system on the existing house to remain on Parcel 1. The applicant must obtain final approval of a plumbing permit to repair/install rain drains and a new drywell for the existing house on Parcel 1.
4. The applicant must meet the requirements of Site Development and obtain a final approval of a permit to decommission any existing drywells, unless this requirement is waived by Site Development.

**Existing Development**

5. The applicant has three options to address attaching new development to the existing house on Parcel 1, one of which must occur prior to final plat approval :
  - 1) Obtain a building permit to add an addition on to the existing structure that will provide a firewall along the new property line. Final inspection approval of this permit must be obtained prior to final plat approval and surveyed location shown on the supplemental plan.

2) Prior to final plat approval the applicant may obtain a townhouse to rowhouse permit to convert the existing structure and construct the new unit at the same time. A maintenance agreement for common building elements will be required and a recording block must be shown on the plat. The permit must be finalized and surveyed location shown on the supplemental survey.

3) The applicant can record a covenant against the property prohibiting the lots from being sold separately until the permit described under option 1 or 2 above are final (see Condition C.10 below regarding covenant).

6. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with the following standards in relation to the proposed new lot lines:

- 33.110.230.C (standards for Main Entrances in the R10-R2.5 Zones);
- 33.110.232.C (standards for Street-Facing Facades in the R10-R2.5 Zones);

Alternately, the applicant can provide documentation that the south facing façade of the existing house on Parcel 2 currently meets the standards above without modifications.

7. A parking space shall be installed on Parcel 1, in conformance with the applicable requirements of the Portland Zoning Code. A copy of the final inspection approval of a Zoning Permit shall be submitted, documenting that the parking space has been installed within the area to become Parcel 1. The new parking space must also be shown on the supplemental plan.

#### **Required Legal Documents**

8. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no 5780. The acknowledgement shall be referenced on the final plat and recorded with Multnomah County.
9. The applicant shall amend the existing Maintenance Agreement for the private street tract to include Parcel 2 of this proposal. The agreement shall assign common, undivided ownership of the tract to the owners of Parcels 1 and 2 of this proposal along with the owners of Partition Plat 2008-082, lots 2 and 3 and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The agreement must also acknowledge all easements granted within the street tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies. The maintenance agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
10. If the applicant uses the covenant option rather than obtaining final building permit approval to complete the rowhouse conversion prior to final plat, as described in Condition C.7 above, then the applicant shall execute a covenant with the City that states that the lots and homes cannot be sold separately until all building code requirements to convert the structure to rowhouses is complete. After the final plat is recorded, permits to convert the existing structure to a rowhouse must be obtained and receive final inspection approval. The covenant shall be recorded with Multnomah County. When the permits have final approval, the covenant will be released by the City.

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

1. Development on Parcel 1 shall be in conformance with the Tree Preservation Plan approved under LU\_08\_120252\_TV, which has root protection zones of several trees that encroach onto the eastern portion of Parcel 1.
2. Parcels 1 and 2 may only be developed with attached houses meeting the development standards for attached houses on corner lots, currently in Section 33.110.240.E. The applicant must receive final inspection approval of permits to convert the existing structure to rowhouses to assure that the structure complies with the building code requirements for rowhouses on individual lots.
3. Vehicle access to Parcel 2 must be from SE 101<sup>st</sup> Ave (the public street), per building code appeal #5852.
4. The applicant will be required to install residential sprinklers in the new house on Parcel 2 the satisfaction of the Fire Bureau per appeal #5780.

Decision rendered by: S. Burgett on January 28, 2009  
By authority of the Director of the Bureau of Development Services

**Decision mailed February 4, 2009**

**Staff Planner: Shawn Burgett**

**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 July 30, 2008, and was determined to be complete on October 7, 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 July 30, 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 waived the 120-day review period, as stated with Exhibit A-6.

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

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on 2/18/09** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

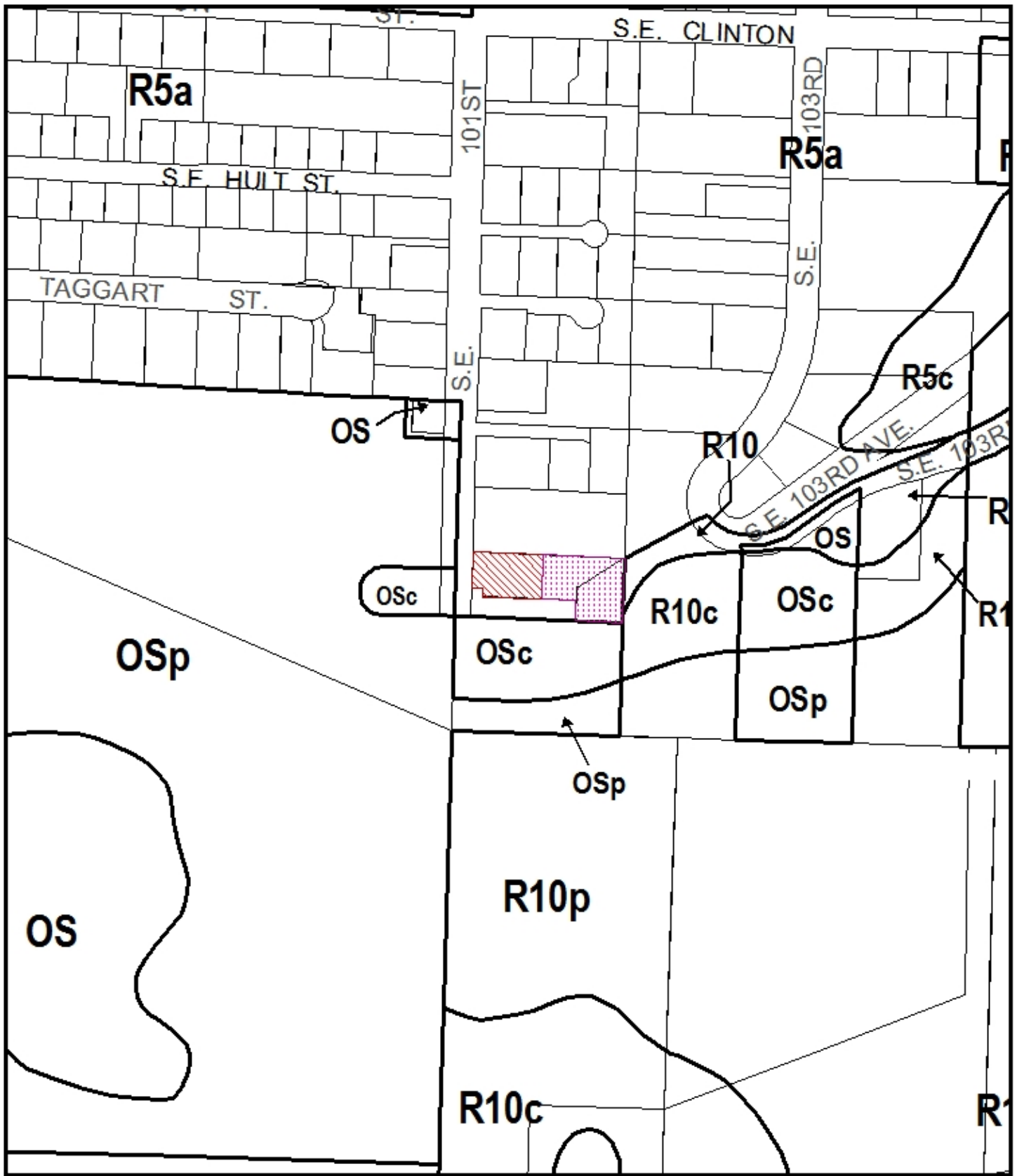
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity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

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

## NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicants Narrative
  - 2. Landslide hazard Study Addendum dated 10/2/08
  - 3. Land slide Hazard Study dated 3/30/07
  - 4. Stormwater Calculations for private street and new driveway on Parcel 1,
  - 5. Documentation from Apollo Drain and Rooter Services dated 12/31/08
  - 6. 120 day waiver
  - 7. Applicants Early Neighborhood notification
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau-including fire code appeal #5780
  - 5. Site Development Review Section of BDS-including building code appeal #5852
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety
- F. Correspondence:
  - 1. None submitted
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter

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



# ZONING

-  Site
-  Also Owned



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 08-150674 LDP
1/4 Section	3340
Scale	1 inch = 200 feet
State_Id	1S2E09AD 200
Exhibit	B (Oct 08, 2008)

REVISED

SEP 16 2008



SCALE  
1"=20'



NOTES:

ZONE IS R50c.

THERE ARE NO TREES ON-SITE. HOWEVER THE ROOT PROTECTION ZONE IS SHOWN FROM LAND USE 07-126116 LDS.

UTILITIES TO BE LOCATED AT THE TIME OF BUILDING PERMITS.

DRAINAGE WILL FLOW TO DRY WELLS.

UTILITIES ARE DRAWN FROM MAPPING PROVIDED BY CITY.

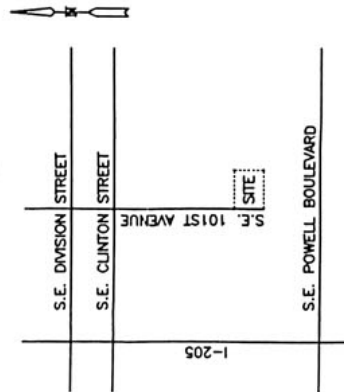
DIMENSIONS AND AREAS MAY VARY SLIGHTLY UPON FINAL BOUNDARY RESOLUTION.

DISTANCES SHOWN FOR EXISTING HOUSE ON PARCEL 1 ARE PERPENDICULAR TO THE PROPOSED PARCEL LINES FROM THE FOUNDATION CORNERS.

CONTOUR INTERVAL IS 5.00'. LOCAL DATUM IS ASSUMED.

S.E. 101ST AVENUE TO BE IMPROVED WITH PARTITION PLAT NO. 2008-082.

VICINITY MAP  
NO SCALE

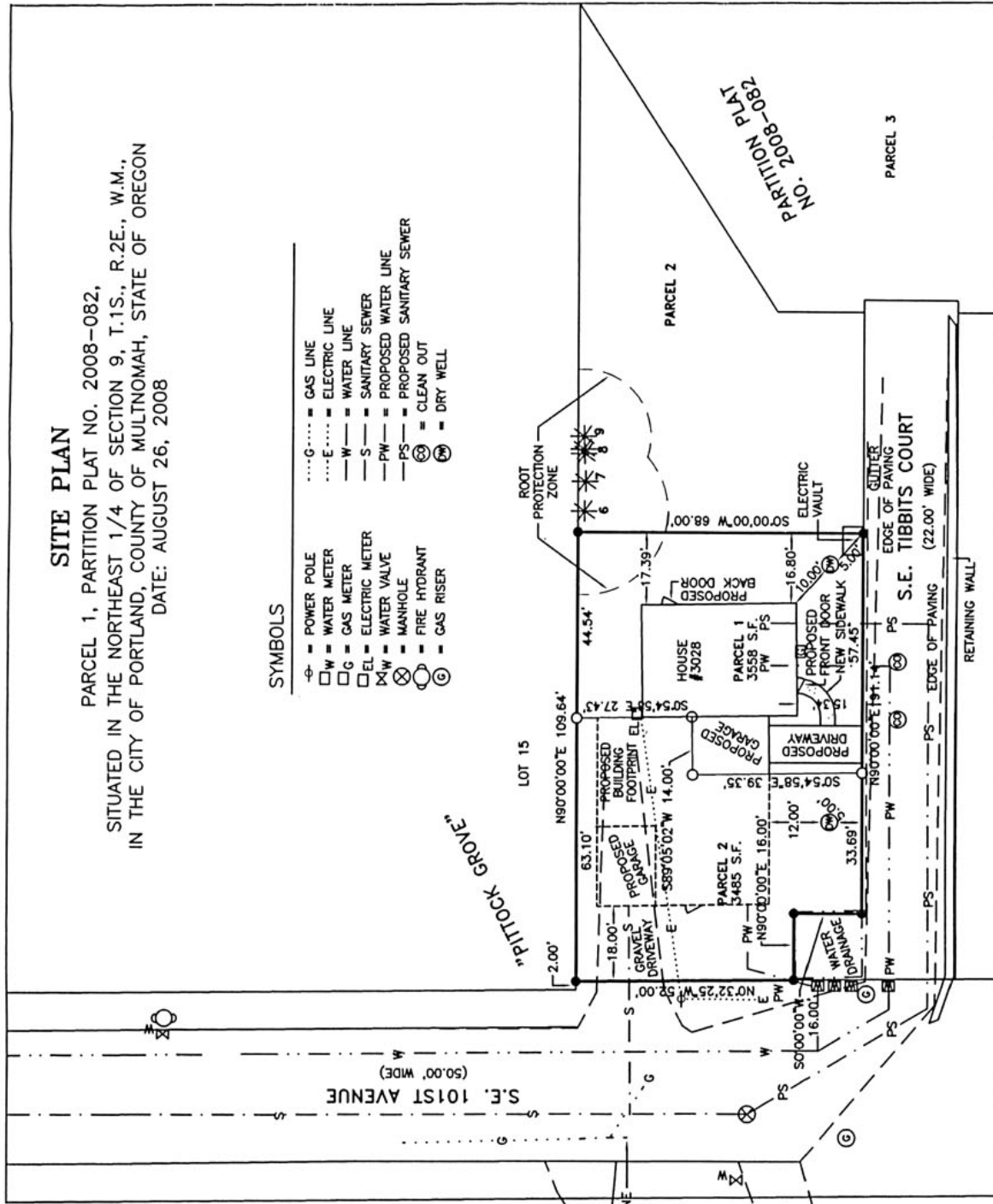


SITE PLAN

PARCEL 1, PARTITION PLAT NO. 2008-082,  
SITUATED IN THE NORTHEAST 1/4 OF SECTION 9, T.1S., R.2E., W.M.,  
IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON  
DATE: AUGUST 26, 2008

SYMBOLS

- ⊕ POWER POLE
- ⊖ WATER METER
- ⊙ GAS METER
- ⊕ EL ELECTRIC METER
- ⊖ W WATER VALVE
- ⊙ M MANHOLE
- ⊕ F FIRE HYDRANT
- ⊖ G GAS RISER
- ⊕ G GAS LINE
- ⊖ E ELECTRIC LINE
- ⊖ W WATER LINE
- ⊖ S SANITARY SEWER
- ⊖ PW PROPOSED WATER LINE
- ⊖ PS PROPOSED SANITARY SEWER
- ⊕ C CLEAN OUT
- ⊖ D DRY WELL



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Joe H. Ferguson*  
OREGON  
#00010890  
JOE H. FERGUSON  
#45

RENEWAL DATE 12/31/07

CLIENT: BILL SHARP  
3028 S.E. 101ST AVE.  
PORTLAND, OR 97266

Ferguson Land Surveying, Inc.  
8134 S.E. TAYLOR ST., PORTLAND, OR 97215  
Phone (503) 408-0601 Fax (503) 408-0602

SHEET NO. 1 OF 1  
JOB NO. 08-075 SITE D  
DRAFTED: 7/11/08 MH

CASE NO. 08-150674  
C-1