



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

Date: February 17, 2009
To: Interested Person
From: Paul Cathcart, Land Use Services
503-823-4378 / Paul.Cathcart@ci.portland.or.us

NOTICE OF A TYPE II_x 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 08-139451 LDP AD

GENERAL INFORMATION

Applicant: Kipp J Stahl,
5010-5014 SE 108th Ave
Portland, OR 97266

Surveyor: Joe Ferguson,
Ferguson Land Surveying
646 SE 106th Ave
Portland, OR 97216

Site Address: 5014 SE 108th Ave

Legal Description: S 1/2 OF LOT 3 BLOCK 2, GAMMANS
Tax Account No.: R303100500
State ID No.: 1S2E15BD 08200
Quarter Section: 3541
Neighborhood: Lents, contact Judy Welch at 503-771-4667. 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: Residential 5,000 (R5) with Alternative Design Density "a" Overlay Zone
Case Type: Land Division Partition (LDP) with an Adjustment (AD)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to divide the existing 9,790 square foot site into 2 parcels. Parcel 1 would be 3,940 square feet and would contain the existing house. Parcel 2 would be a 5,850 square foot flag lot that would provide building space for a new house. The site contains 7 trees, 6 Bird cherry trees and 1 Pissard plum. The project arborist has identified these trees as being nuisance species and growing on adjacent property lines and therefore exempt from the City tree preservation requirements. The applicant is also seeking an Adjustment to allow the

side building setback for the existing house on Parcel 1 to be 2.2 feet from the flag pole lot line of Parcel 2. The Zoning Code requires this distance to be 3 feet.

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 an Open Space or Residential Zone; 33.805, Approval Criteria for Adjustments.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment to side building setback) is required (see 33.660.110).

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

ANALYSIS

Site and Vicinity: The site fronts SE 108th Avenue, is relatively flat and contains an existing single-family house. There are seven trees on site, consisting of Bird cherry trees, and a Pissard plum. The surrounding neighborhood is characterized by single family residences on originally platted lots or on more recently subdivided properties.

Zoning: The R5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on October 25, 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 – The trees identified on the site have trunks on or partially on property lines. |
| C | 33.631 | Flood Hazard Area | Not applicable - The site is not within the flood hazard area. |
| D | 33.632 | Potential Landslide Hazard Area | Not applicable - The site is not within the potential landslide hazard area. |
| E | 33.633 | Phased Land Division or Staged Final Plat | Not applicable - A phased land division or staged final plat has not been proposed. |
| F | 33.634 | Recreation Area | Not applicable - This is not required when the minimum density for the site is less than 40 units. |
| G | 33.635 .100 | Clearing and Grading | Applicable - See findings below. |
| G | 33.635 .200 | Land Suitability | Applicable - See findings below. |
| H | 33.636 | Tracts and Easements | Not applicable - No tracts or easements have been proposed or will be required. |
| I | 33.639 | Solar Access | Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639). |
| J | 33.640 | Streams, Springs, and Seeps | Not applicable - No streams, springs, or seeps are evident on the site. |
| K | 33.641 | Transportation Impacts | Applicable - See findings below |
| L | 33.651 - 33.654 | Services and Utilities | Applicable - See findings below |

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot standards applicable in the RF through R5 zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (9,790 square feet * .80) ÷ 5,000 square feet = 1.56 (which rounds up to a minimum of 2 lots, per 33.930.020.A)

Maximum = 9,790 square feet ÷ 5,000 square feet = 1.95 (which rounds up to a maximum of 2 lots, per 33.930.020.B)

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

The applicant is proposing 2 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

| | R5 Zone Requirement | Proposed Lot 1 | Proposed Lot 2 |
|--------------------------|----------------------------|-----------------------|-----------------------|
| Minimum Lot Area | 3,000 sq. ft. | 3,940 sq.ft. | 5,850 sq.ft. |
| Maximum Lot Area | 8,500 sq. ft. | | |
| Minimum Lot Width* | 36 ft. | 58 ft | |
| Minimum Lot Depth | 50 ft. | 68 ft. | |
| Minimum Front Lot Line | 30 ft. | 58 ft. | |
| Minimum Flag Lot Width** | 40 ft. | | 70 ft. |
| Minimum Flag Lot Depth** | 40 ft. | | 72 ft. |

* Width is measured at the minimum front building setback line

** For flag lots, width is measured at the midpoint of the opposite lot lines in the "flag" portion of the lot.

Flag Lots

Parcel 2 is a flag lot. Zoning Code standards allow the creation of flag lots in very limited circumstances. The limitations minimize the negative impacts of flag lots on an area while allowing land to be divided when other options are not achievable. A flag lot is allowed only when all of the following is true: (1) an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standards; and (2) only two lots are proposed; and (3) minimum density requirements for the site will be met. In this case there is an existing house on the site that would preclude the creation of standard lots. The house is located approximately 14.20-feet from the north property line and approximately 5-feet from the south property line, which would preclude the creation of a lot that would meet the minimum width standard of the R5 zone of 36 feet. Two lots are proposed. As discussed above, minimum density has been met. The proposed flag lot meets applicable Zoning Code standards found in 33.610.400 because it has a "pole" at least 12 feet wide that connects to a street, and as shown above, meets the minimum width and depth standard of 40 feet. Therefore, Parcel 2 is allowed.

“Flag Pole” Setback

The setback standard of 33.110.220.D.2 allows the lot in front of a flag lot to have a side building setback along the flag pole of 3-feet. The existing house on Parcel 1 is currently 14.2 feet from the northern property line. With a flag pole width of 12-feet, the distance between the existing house and the flag pole will be 2.2 feet after the proposed partition. The applicant has requested an Adjustment to this side building setback standard. See the findings for this Adjustment below. Approval of this Adjustment is required to allow Parcel 1 as proposed.

With the conditions of approval described above and Adjustment criteria reviewed below, this criterion is therefore 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 primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criteria is met.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

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

33.636.100 Requirements for Tracts and Easements

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

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

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

Findings: The following easement is required for this land division:

- An Access Easement is required over the flag pole portion of Parcel 2 to allow shared use of a driveway in the flag pole that will also serve Parcel 1;

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

With the conditions of approval discussed above, this criterion is met.

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

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 70-feet of frontage on SE 108th Avenue. SE 108th Avenue is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 1,200 feet from the site on the corner of SE Harold and SE 108th Avenue via bus 10. Parking is not allowed on SE 108th Avenue, on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house.

SE 108th Avenue is improved with a paved roadway. There are no curbs, planter strips, or sidewalks. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Because none of the other frontages have been improved on this street, Portland Transportation has determined that an isolated improvement at this location would not be meaningful. If the street is to be improved, it would be more appropriate to complete the improvements as one LID project. Therefore, the applicant will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) prior to final plat approval.

This criterion is met, with the condition that the required waivers are signed prior to final plat approval.

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 8-inch water main is available in SE 108th Avenue. Water is available to serve the proposed development from the water main in SE 108th Avenue. Parcel 1 has an existing water service from that main. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch PVC public sanitary sewer located in SE 108th Avenue that can serve the sanitary needs of the proposed parcels. Parcel 1 has an existing sewer service from that main. The exact location of this sewer service will need to be located prior to final plat approval. If it is found that the sewer service crosses the flag pole portion of Parcel 2, then a sanitary sewer easement over Parcel 2, benefitting Parcel 1 will need to be shown on the final plat. See Exhibits E.1.a and E.1.b for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

33.653.020 Stormwater Management Approval Criteria

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

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

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

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

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

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

- **Parcel 1 (the lot with the existing house):** Site Development has noted that the downspouts and gutters for the existing house are missing and in disrepair, and therefore must be repaired to meet City standards prior to final plat approval to ensure that the stormwater from the house can get to the disposal points. The front (west side) of the house has no gutter, and the gutter on the northeast corner lacks a downspout and the gutter discharge location does not meet the minimum setback requirements. Modifications will be needed to redirect this and any other downspout that falls within the required setbacks. The applicant is required to finalize plumbing permits prior to final plat approval for modifications to the stormwater disposal system on the existing house that will result in properly functioning gutters, downspouts, and disposal points, located outside of required setbacks.
- **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. In addition, the stormwater from the driveway area of Parcel 2 will be directed to a pervious strip within the driveway to allow the water to infiltration into the ground. The proposed flag pole area of the flag lot has sufficient area for this type of facility. Site Development has indicated on-site infiltration is feasible on this site.

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.

| Code Section | Topic | Applicability Findings |
|-----------------------|--|---|
| 33.654.110.B.1 | Through streets and pedestrian connections | Applicable - See findings below |
| 33.654.110.B.2 | Dead end streets | Not applicable - No dead end streets are proposed. |
| 33.654.110.B.3 | Pedestrian connections in the I zones | Not applicable - The site is not located within an I zone. |
| 33.654.110.B.4 | Alleys in all zones | Not applicable – No alleys are proposed or required. |
| 33.654.120.C.1 | Width of the street right-of-way | Not applicable – The proposal includes a common green/shared court/pedestrian connection instead of a traditional 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 | Applicable - See findings below. |
| 33.654.130.B | Extension of existing public dead-end streets and pedestrian connections | Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site. |
| 33.654.130.C | Future extension of proposed dead-end streets and pedestrian connections | Not applicable – No street extensions are required to serve abutting sites that are further dividable. |
| 33.654.130.D | Partial rights-of-way | Not applicable – No partial public streets are proposed or required. |

Applicable Approval Criteria are:

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

- a. **Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**

- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

Findings: The site is located between SE Schiller Street and SE Mitchell Street, which have a distance between them of approximately 805-feet. There are no other east/west through streets between these two streets. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should be an east-west through street provided in the vicinity of the site. However, due to the current development of the area there is no sufficient width to allow the creation of a public east-west through street or pedestrian connection at this site.

The site is within the Portland Master Street Plan for the Far Southeast District. The Far SE Portland Master Street Plan Map shows no street connections or pedestrian connections for SE 108th Avenue. Therefore, the proposal is consistent with the master street plan.

For the reasons described above, this criterion is met.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

- A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.**

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. At this time no specific utility easements adjacent to the street tract or right-of-way have been identified as being necessary. Therefore, this criterion is met.

APPROVAL CRITERIA FOR ADJUSTMENTS

The applicant has requested an Adjustment to the side building setback requirement of 3-feet for lots in front of flag lots. Specifically, the applicant requests an Adjustment to allow this setback be reduced to 2.2 feet to allow the northwest corner of the existing house to be 2.2 feet from the flag pole portion of the flag lot. The requested Adjustment is reviewed below.

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review

process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting one adjustment associated with the proposed land division. The setback regulations for single dwelling zones grants an exception (33.110.220.D.2) to lots in front of flag lots that allows a side building setback along the flag pole of flag lot to be 3-feet. The applicant requests a decrease in the required side building setback from 3 feet to approximately 2.2 feet for the distance between the existing house on Parcel 1 from the flag pole lot line of Parcel 2.

The purposes of setback regulations in the Single-Dwelling zone (33.110.220.A) are as follows:

- **Maintain light, air, separation for fire protection, and access for fire fighting;**
- **They reflect the general building scale and placement of houses in the city's neighborhoods;**
- **They promote a reasonable physical relationship between residences;**
- **They promote options for privacy for neighboring properties;**
- **They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;**
- **They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and**
- **They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.**

The existing house is approximately 14.2 feet from the northern property line. The land division site is considered a flag lot with frontages on SE 108th Avenue. As a result of the flag lot partition, a portion of this existing side building setback will become the flag pole for Parcel 2. Therefore, an adjustment is required because the 3-foot minimum side setback requirement along the flag pole (33.110.220.D.2) is not met.

The flag pole portion of Parcel 2 will provide a 12-foot wide access to Parcel 2 and access to the parking area for Parcel 1. This driveway is required to remain free of structures to provide this access for both parcels. The applicant has been granted a building code appeal to allow the existing house to be less than 3 feet to the new property line (the flag pole portion of the flag lot). The building code appeal decision did not require a no-build easement over the flag pole portion of Parcel 2, however, a fence cannot be built within 3-feet of the existing house.

The Fire Code allows the driving surface of a driveway that serves fewer than 2 lots to be 12-foot in width if there are 5-feet of separation between dwelling and the driving surface. This separation requirement is not met in this case. The primary structure on Parcel 2 will therefore require the installation of fire sprinklers, which will is allowed exception for fire fighting under the Fire Code.

The existing structure reflects the general building scale of structures in the neighborhood. The distance between the existing house and the property to the north will not change. The side building setback for the existing house will deviate from the minimum standard by only 0.8 feet and therefore does not detract from the ability to maintain an open, visually pleasing front yard.

The setback to the new property line (side) will meet the required standard for the zone. The applicant is proposing to meet the parking requirements for the existing house on Parcel 1 and for the proposed Parcel 2 by creating a new parking space for the existing house on Parcel 1, and constructing an attached garage for Parcel 2. The proposed adjustment is consistent with the purpose of setback regulations. This criterion is met.

The applicant is satisfying the outdoor area requirement for the existing house on Parcel 1 in the rear yard. The outdoor area provided on Parcel 1 with the installation of the parking pad would be approximately 590 square feet, surpassing the 250 square feet of outdoor area requirements of the R5 zone. Parcel 2 will accommodate a reasonable size home and will need to meet the development standards for flag lots including specific screening and setback requirements to protect the privacy of abutting residences.

Therefore, this criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The existing house will maintain a reasonable front setback in relation to existing development in the vicinity. The overall outdoor area on Parcel 1 ensures an adequate area for the residents of the site to enjoy outdoor living. The flag pole portion of Parcel 2 will serve as vehicle access for both parcels and is in the same location as the existing driveway. This criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: No other adjustments are proposed for this land division. This criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: The site does not contain any scenic or historic resource designations. This criterion is not applicable.

E. Any impacts resulting from the adjustments are mitigated to the extent practical;

Findings: As addressed in the preceding findings, there are no discernable impacts that will result from the proposed adjustments. Therefore, this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental overlay zone. This criterion is not applicable.

Conclusion:

The approval criteria for granting an Adjustment to the required side building setback from the flag pole portion of a flag lot set forth in Section 33.110.220.D.2 of the Zoning Code are met. 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:

- Flag Lots-- special setback standards apply to flag lots in the RF-R2.5 zone, and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones (33.110.240.F)

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

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be approximately 2.20-feet from the north property line and approximately 19-feet from the east property line. Therefore, the required setbacks are being met with the Adjustment granted in this decision. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- 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 2. As a result of this land division, the required parking space for the existing house will be located on a different parcel. 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.

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

OTHER TECHNICAL REQUIREMENTS

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

| Bureau | Code Authority | Topic | Contact Information |
|------------------------|--|---|---|
| Water Works | Title 21 | Water availability | 503-823-7404 http://www.water.ci.portland.or.us/ |
| Environmental Services | Title 17; 2002 Stormwater Manual | Sewer availability Stormwater Management | 503-823-7740 http://www.bes.ci.portland.or.us/ |
| Fire Bureau | Fire Code | Emergency Access | 503-823-3700 http://www.fire.ci.portland.or.us/ |
| Transportation | Title 17, Transportation System Plan | Design of public street | 503-823-5185 http://www.trans.ci.portland.or.us/ |
| Development Services | Titles 24 -27, Admin Rules for Private Rights of Way | Building Code, Erosion Control, Flood plain, Site Development & Private Streets | 503-823-7300 http://www.bds.ci.portland.or.us. |

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

The applicant must meet the following requirements of the Fire Bureau in regards to the flag lot:

- The driveway for Parcel 2 must provide fire apparatus access that extends to within 150 feet of all portions of the exterior walls of the first story of the building to be built on Parcel 2 as measured by an approved route around the exterior of the building.
- The fire access lane shall have a turning radius of 25 feet inside and 45 feet outside.
- The driving surface of the fire department access must be 12-feet and maintain 5-feet of separation from dwellings.
- If the requirements of the fire apparatus access identified above cannot be met, an exception to the maximum distance can be increased to 250 feet with the installation of an approved fire sprinkler system in the primary structure on Parcel 2. The applicant is required to provide an Acknowledgement of Special Land Use Conditions form to be recorded and noted on plats when the exception is taken.

These requirements are based on the technical standards of the Fire Code.

The applicant must meet the requirements of Urban Forestry for street tree planting in the City right-of-way adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-lot, flag-lot partition, as shown on the attached preliminary plan (Exhibit C-1). The applicant has also requested an Adjustment to the side building setback requirement to flag lots. As discussed in this report, the relevant standards and approval criteria for the flag lot partition and the Adjustment have been met, or can be met with conditions. The primary issues identified with this proposal are:

- The installation of replacement parking prior to final plat approval
- Determining the exact location of the sanitary sewer that serves the existing house prior to final plat approval

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

ADMINISTRATIVE DECISION

Approval of an Adjustment to the side building setback requirement for flag lots to allow Parcel 1 to be 2.2 feet from the flag pole portion of Parcel 2 as illustrated in Exhibit C.1, subject to the conditions below.

Approval of a Preliminary Plan for a 2-lot partition, that will result in one standard lot and one flag lot as illustrated with Exhibit C-1, subject to the conditions below:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The location of the existing sanitary sewer line for the house on Parcel 1 per the requirements of the Site Development Section of the Bureau of Development Services in Exhibit E.5
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A Reciprocal Access Easement over “flag pole” portion of Parcel 2 for the benefit of Parcel 1 shall be shown and labeled on the final plat. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
2. A recording block for the maintenance agreement(s) and acknowledgement of special land use conditions, as required by Conditions C.3, C.8 and C.9 below. The recording blocks 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:

Streets

1. The applicant shall sign street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms will be provided to the applicant during the final plat review process.

Utilities

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

3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for determining the location of the sewer line for the existing house on Parcel 1. If it should be found that the existing sewer service for Parcel 1 crosses Parcel 2, a private sanitary sewer easement shall be shown over Parcel 2 for the benefit of Parcel 1.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire accessway for Parcel 2 as identified in Exhibit E.4. Alternately, the applicant will be required to install residential sprinklers in the new house on Parcel 2. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Existing Development

5. 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. An application for a Land Use Review to waive or modify parking requirements may be submitted at the Development Services Center. If granted, a copy of the approved Land Use Review decision must be submitted prior to final plat.
6. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by Site Development, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
7. The applicant must plant 1 street tree in the City right-of-way on SE 108th Ave. adjacent to parcel 2. Street trees will be chosen from the City's approved street tree list for the 8.5- foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

Required Legal Documents

8. A Maintenance Agreement shall be executed for the Access Easement area described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
9. If the requirements for a Fire Apparatus Access identified in Exhibit E.4 cannot be met, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Parcel; 2, the flag lot.

2. The applicant will be required to install residential sprinklers in the new houses on Parcel 2 to the satisfaction of the Fire Bureau if Fire Department Access is not obtained within 150 feet of the primary structure on Parcel 2.

Decision rendered by: Paul Cathcart on February 12, 2008
By authority of the Director of the Bureau of Development Services

Decision mailed February 17, 2009

Staff Planner: Paul Cathcart

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 20, 2008, and was determined to be complete on October 22, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 20, 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.4 and A.5).

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 March 3, 2009** 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.

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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of an adjustment to the flag lot set back requirements of 33.110.220.D.2. This concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of an Adjustment. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Adjustment. This approval expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

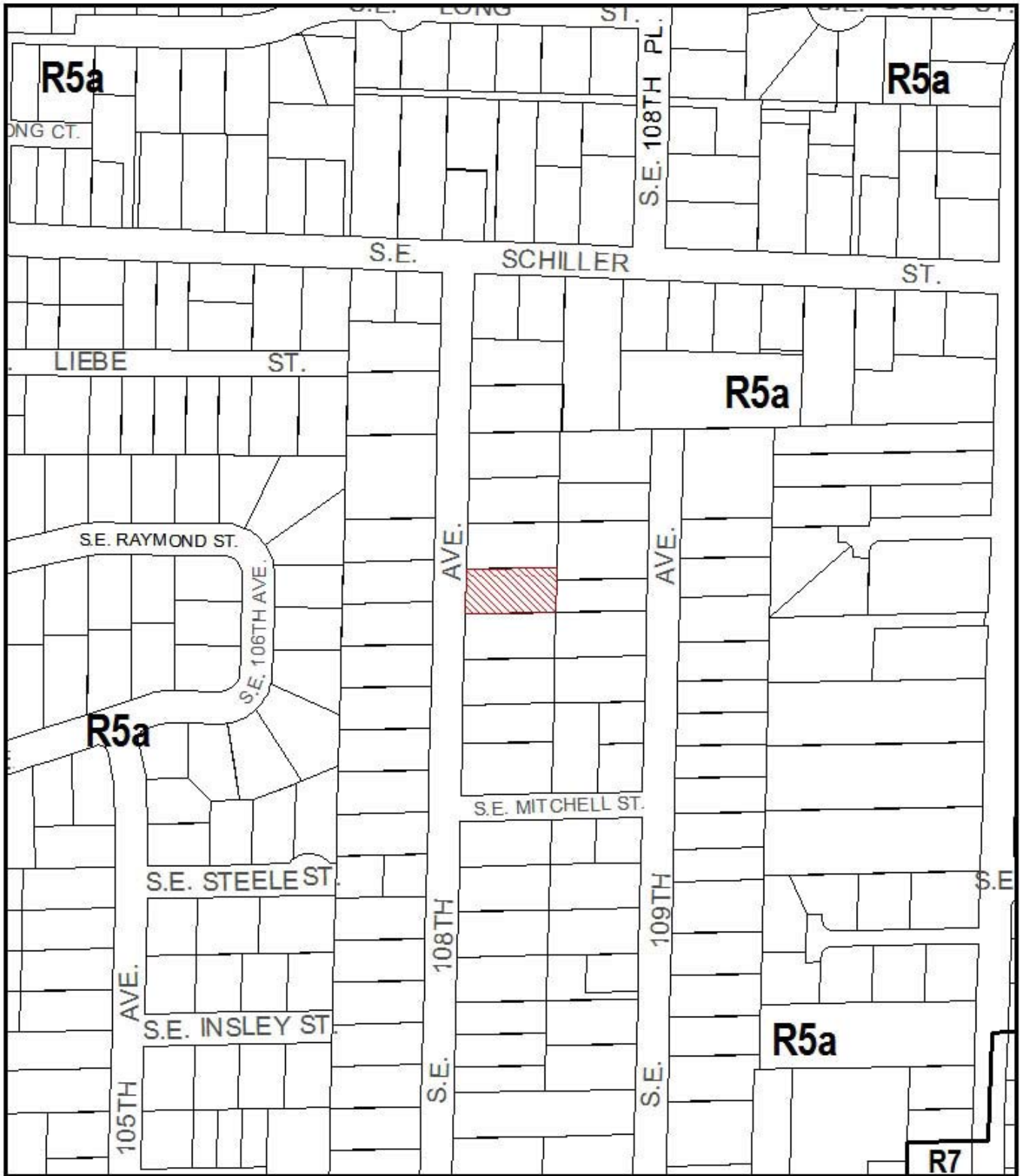
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Responses to Land Division Approval Criteria
 2. Arborist report dated 5/16/2008
 3. Simplified Approach calculations for 5010 SE 108th Ave.
 4. 120-day waiver dated December 12, 2008
 5. 120-day waiver dated January 29, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Utility Plan
 3. North elevation of existing house
- 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
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received.
- 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



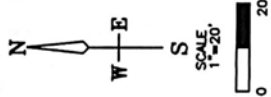
This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 08-139451 LDP AD
 1/4 Section 3541
 Scale 1 inch = 200 feet
 State_Id 1S2E15BD 8200
 Exhibit B (Feb 13, 2009)

LU 08-139451 LDP

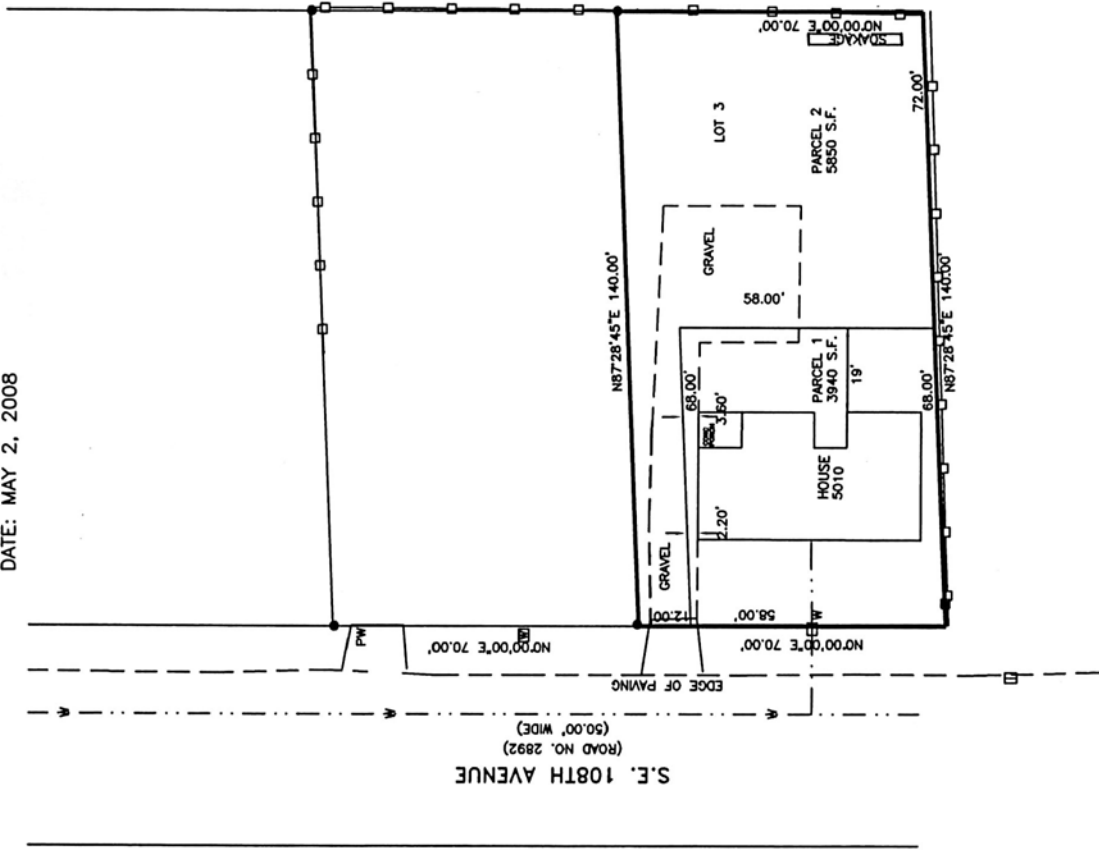
SITE PLAN

SOUTH 1/2 OF LOT 3, BLOCK 2, "GAMMANS",
SITUATED IN THE NORTHWEST 1/4 OF SECTION 15, T.1S., R.1E., W.M.,
IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: MAY 2, 2008



SYMBOLS

- W = WATER METER
- * = DOWN SPOUTS
- ▣ = CATCH BASIN
- W — = WATER LINE
- PW — = PROPOSED WATER LINE



NOTES:

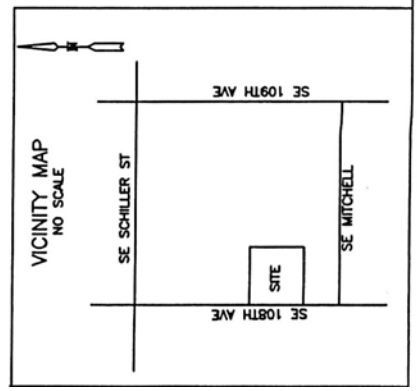
- ZONE IS R5c.
- FOR TREE INFORMATION SEE TREE REPORT BY TREE CARE AND LANDSCAPES UNLIMITED, INC.
- SOAKAGE TRENCH AND OTHER UTILITIES TO BE LOCATED AT THE TIME OF BUILDING PERMITS.
- FIRE HYDRANT IS LOCATED 381.50' NORTH OF PROPERTY.
- DOWNSPOUTS ON EXISTING HOUSE WILL GO TO SPLASH BLOCKS.
- UTILITIES 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.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 2, 1990
JOE H. FERGUSON
RENEWAL DATE 12/31/08

SHEET NO. 1 OF 1
JOB NO. 08-039 SP_A
DRAFTED 5/2/2008

Ferguson Land Surveying, Inc.
646 SE 108TH AVE., PORTLAND, OR 97216
Phone (503) 408-0601 Fax (503) 408-0602

CLIENT: KIPP STAHL
5010 SE 108TH AVE
PORTLAND, OR 97286



LU 08-139451
C.1