Portland City Auditor
Hearings Office
1900 SW 4th Avenue, Room 3100, Portland, OR 97201 phone: 503.823.7307
www.portlandoregon.gov/hearings fax: 503.823.4347

DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 18-228103 LDS (Hearings Office 4190021)

Applicant:
Ante Skoro
Clear Water Homes LLC
PO Box 2885
Clackamas, OR 97015

Applicant's Representative:
Lance Forney
All County Surveyors And Planners, Inc.
PO Box 955
Sandy, OR 97055

Property Owners:
Jonathan H. Sherriffs
14210 SE Ellis Street
Portland, OR 97236

Nancy I. Baton and Stephan A. Baton
14230 SE Ellis Street
Portland, OR 97236-4025

Alexander Liv
14240 SE Ellis Street
Portland, OR 97236

Hearings Officer: William Guzman

Bureau of Development Services (BDS) Staff Representative: Kate Green

Site Address: 14230 SE Ellis Street

Legal Description: LOT 18 TL 4200, LAMARGENT HTS; N 200' OF E 100' OF LOT 18 EXC PT IN ST, LAMARGENT HTS; LOT 18 TL 4000, LAMARGENT HTS; LOT 18 TL 4100, LAMARGENT HTS

Tax Account Number: R465806400, R465806420, R465806440, R465806410

State ID Number: 1S2E13CB 04200, 1S2E13CB 03900, 1S2E13CB 04000, 1S2E13CB 04100

Quarter Section: 3645

Neighborhood: Powellhurst-Gilbert

Business District: Midway

District Neighborhood Coalition: East Portland Community Office

Zoning: Single Dwelling Residential 5,000 (R5)

Land Use Review: Type III, Land Division-Subdivision (LDS)

BDS Staff Recommendation to Hearings Officer: Approval with conditions.

Public Hearing: The hearing was opened at 1:31 p.m. on October 16, 2019, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:30 p.m. The Applicant waived Applicant's rights granted by Oregon Revised Statute (ORS) 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at the Hearing:
Kate Green
Ray Moore
Mirabai Peart
Michael Clark

II. ANALYSIS

The staff report provides an excellent summary of the proposed Land Division-Subdivision and the Subject Property:

> "**Proposal:** The applicant proposes a **Land Division-Subdivision** to create 34 lots for detached and attached houses. The proposal includes new public street extensions for SE 142nd Place, SE Cannon Street, and SE Reedway Street, with new water and sewer extensions in those rights-of-way. A stormwater tract (Tract A) is proposed abutting the Springwater Trail Corridor. Two existing houses will be retained; one on Lot 1 and another on Lot 8. Another house and several outbuildings will be removed.

"This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; (2) more than ten lot are proposed (see 33.660.110).

"For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 35 units of land (34 lots and 1 tract). Therefore, this land division is considered a subdivision.

"**Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

"**Site and Vicinity:** The subject site is an approximately 4.6-acre property that is moderately sloped from the north, along its SE Ellis Street frontage, down to the south, along the Springwater Corridor. The site is currently developed with three houses and several accessory buildings located on the north end of the site. Several large trees are located near the homes and along the west property line. The balance of the site consists of a large open field and an area occupied by fruit trees.

"The north boundary of the site abuts SE Ellis Street near the foot of SE 142nd Place. SE Cannon Street and SE Reedway Street dead-end into the east side of the site. The area includes a mix of rights-of-way: some are fully developed with sidewalks and stormwater facilities; some have only a center strip of paving; and others are undeveloped. At this time, many of the surrounding streets are dead-ends and through connections are limited.

"The site is situated within a residential area that is generally bounded by SE Holgate Boulevard to the north; Powell Butte Nature Park to the east; the Springwater Corridor to the south; and SE 136th Avenue to the west. Most of the surrounding properties are in the R5 zone and are developed with one and two story homes on lots that range in size from approximately 3,000 square feet to 4 acres. Many of the smaller lots were established through land divisions created in the last two decades. Multi-dwelling (R2) and lower density single-dwelling (R2.5) zoning and development flanks both sides of 136th Avenue and the nearby parks and trails are in the open space (OS) zone.

> "**Zoning:** The site in the **Single Dwelling Residential 5,000 (R5)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.
>
> "The site is also within the **Johnson Creek Basin Plan District** and adjacent to the Springwater Corridor. The plan district regulations are intended to provide 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."

Portland City Code (PCC) 33.660.120 contains 12 land division approval criteria that are set out in subsections A - L. The Applicant's proposal must satisfy all of the applicable approval criteria in order to be approved. The staff report identifies which of the land division approval criteria in these subsections are and are not applicable to the Applicant's proposal. The staff report also gives a thorough and compelling explanation as to how all of the applicable approval criteria are satisfied, subject to conditions of approval. The Applicant did not have any objections to the conditions in the staff report and the Applicant was in support of the staff report's findings and conditions.

The only opposition to the Applicant's proposal and the conditions contained in the staff report relates to the preservation of trees, which the Hearings Officer thoroughly analyzes and discusses in the following section.

Trees. PCC 33.660.120.B requires the Applicant to show the proposed land division satisfies the standards and approval criteria of Chapter 33.630, Tree Preservation. The purpose section, PCC 33.630.010, identifies a long list of benefits associated with tree preservation and mitigation, including enhancing public health, buffering, visual screening and cooling, enhancing property values, and contributing to the beauty of the City and the character of its neighborhoods. The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

Mirabai Peart opposed the Applicant's tree preservation proposal. She testified that she lives near the proposed development site and represents 75 neighbors who live directly near the site, who signed a letter of request. (Exhibit H-3). In this request, the neighbors request that all trees over 6-inches in diameter that aren't dying, diseased, or dangerous be preserved. This request includes the preservation of a "towering old doug fir" on Lot 7 as well as trees on Lot 2. In addition to the list of benefits associated with tree preservation set forth in PCC 33.630.010, Mirabai Peart submitted testimony suggesting that the presence of large trees may also reduce crime rates. As part of a creative solution to tree preservation, Mirabai Peart also recommended that Lot 2 be purchased by the City and a children's playground be created that would allow the Lot 2 trees to be preserved.

Michael Clark also testified at the land use hearing in opposition to the Applicant's tree preservation proposal requesting that the "large trees along Ellis be preserved." Michael Clark offered testimony that neighborhoods with 10 percent more tree cover show a significant decrease in crime. The livability of the neighborhoods also increases.

To satisfy the requirements set forth in Chapter 33.630, an applicant must provide a tree plan that demonstrates, to the greatest extent practicable, that the trees to be preserved provide the greatest environmental and aesthetic benefits for the subject property and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization, and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the subject property, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the Applicant provided a tree survey (Exhibit C.2) that showed the location and size of trees on and adjacent to the Subject Property. The Applicant also provided an Arborist Report and several addendums (Exhibits A.1 and A.5) that identified each tree, its condition and suitability for preservation or its exempt status, and specified a root protection zone and tree protection measures for each tree to be preserved. The Applicant also submitted Exhibit H-5, "Tree Plan Addendum." The Hearings Officer reviewed and considered Exhibits C.2, A.1, A.5, and H-5.

PCC 33.630.100(A) states the following: "The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are * * * exempt from these regulations." The Hearings Officer finds that 11 trees, which provide a total of 379 inches of tree diameter, are subject to the preservation requirements. The zoning code identifies standard options for minimum tree preservation in PCC 33.630.100 from which the applicant must choose. The Applicant selected Option 3, which states the following: "Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site[.]" The Applicant proposes to retain the following seven trees: 1, 7, 14, 15, 16, 17, and 19. These trees equate to 179 inches or 51 percent of the total tree diameter and five of the trees are 20 or more inches in diameter. The trees proposed for preservation are in fair to good condition and include native and non-nuisance species. Modified root protection zones are proposed, which the project arborist

indicates will effectively protect the trees to be retained and accommodate the type of development anticipated in the R5 zone. With the implementation of the noted conditions, the approval criteria will be met.

There are two issues that remain unresolved related to the tree preservation plan. To ensure adequate tree protection measures are provided, the Applicant must provide a final Tree Protection Plan and updated Arborist Report that demonstrates how Tree 1 will be effectively protected without tree protection fencing in the right-of-way and within the proposed utility easement, and how Trees 1, 7, 14-17, and 19 will be protected during the decommissioning of the on-site septic systems, as well as the proposed grading and future development, to the satisfaction of BDS prior to final plat approval.

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the Applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Lots 1-9 must be carried out in conformance with the final Tree Preservation Plan and the updated Arborist Report, required above.

At the time of development, the individual lots must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements. Based on the PCC 33.630 factors, the Hearings Officer finds no additional mitigation is warranted to satisfy the approval criteria.

The Hearings Officer concludes that the staff report and the evidence contained in the record shows the Applicant's proposed land division complies or can comply with the approval criteria in PCC 33.660.120, provided the Applicant complies with the conditions of approval contained in the staff report. The Hearings Officer has reviewed the findings in the staff report and agrees with those findings. The Hearings Officer's analysis of PCC 33.660.120.B and Chapter 33.630 (Trees) is consistent with the Staff Report. Therefore, the Hearings Officer adopts and incorporates the findings in the staff report into this decision by reference (PCC 33.730.030(E)(3)), with two minor exceptions. At page 19 of the Staff Report is a scrivener's error that is hereby corrected: "Approval of a Preliminary Plan for a 34-lot subdivision, that will result in [24] standard lots and 10 attached house corner lots; * * *". In addition, Condition C.1 is amended to include the following language: "* * * and public stormwater Facilities in Tract A." This change is reflected on page 10 of Exhibit H-4 and is incorporated herein by reference.

III. CONCLUSIONS

The Applicant has satisfied all of the applicable approval criteria. Therefore, the application is **APPROVED** with the conditions of approval set forth in the staff report.

IV. DECISION

Approval of a Preliminary Plan for a 34-lot subdivision, that will result in 24 standard lots and 10 attached house corner lots; a Stormwater Management Tract (Tract A); and new public rights-of-way, as illustrated with Exhibits C.1-C.7, subject to the following conditions:

A. **Supplemental Plan.** Four copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by Land Use, Fire, and the Bureau of Environmental Services. 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;
- Stormwater disposal and sanitary systems for the existing houses on Lot 1 and Lot 8;
- Any other information specifically noted in the conditions listed below.

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

1. The Applicant shall meet the street dedication requirements of the City Engineer for SE 142nd Place, SE Cannon Street, and SE Reedway Street. The required right-of-way dedications must be shown on the final plat.

2. The stormwater tract shall be noted on the plat as "Tract A: Stormwater Management." A public easement, granted to the City of Portland, shall be shown over the relevant portions of Tract A, to the satisfaction of the Bureau of Environmental Services. A note must also be provided on the plat indicating the ownership and maintenance responsibilities of the tract consistent with the requirements for stormwater tracts (33.653.030).

3. 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.14 and C.15. 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:**

Streets

1. The Applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's street frontages. The Applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements. Prior to ground disturbing activity related to the public works permit, the Applicant must obtain an approved tree protection inspection for the Bureau of Development Services permit required by Condition C.2.

2. The Applicant shall submit an application for a Site Development permit for mass grading and utility construction for the new public streets and related site development improvements. Or, if the proposed grading work is modified and limited to the scope of the public works permit, then the Applicant must provide documentation from Public Works Permitting that demonstrates the clearing and grading reflected on the final clearing and grading plan, per Condition C.3, will be permitted as part of the public works permit. If the grading will be permitted as part of the public works permit, then a Zoning permit must be obtained for the installation of tree protection and to document that the final clearing and grading plan conforms with the requirements described above.

3. The Applicant shall provide a final Clearing and Grading Plan with the permit required for the mass grading described in Condition C.2. The final Clearing and Grading Plan must substantially conform to the Preliminary Clearing and Grading Plan approved with this decision (Exhibit C.4) with the following changes:

   - Show a specific boundary for the overall clearing and grading limits;
   - Show temporary staging and stockpile areas;
   - Grades must clearly tie into the existing grades;
   - Grading off the site is not allowed, unless the Applicant can demonstrate that a construction easement has been established on the neighboring land(s);
   - Show tree protection consistent with Condition C.15 for the trees to be protected on Lots 1-9 and Lot 12; and
   - Add a note that topsoil must be stockpiled on site and re-used to the extent practicable.

Utilities

4. The Applicant shall meet the requirements of the Bureau of Environmental Services for the construction of a sanitary sewer to serve the proposed development through a Public Works Permit. As part of the Public Works Permit, the Applicant must provide

engineered designs and performance guarantees for the sewer construction to the Bureau of Environmental Services prior to final plat approval.

5. The Applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water mains to serve the proposed development.

6. The Applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant(s). The Applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The Applicant must purchase the hydrants and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrants, with the required fire flow and pressure and spacing.

Existing Development

7. A finalized permit must be obtained for demolition of the existing residence at 14230 SE Ellis Street and capping the existing sanitary sewer connection. The site plan for the demolition permit must show all trees to be preserved and root protection zones, <u>in accordance with the final Tree Protection Plan, per Condition C.15.</u> All demolition work must be in conformance with the recommendations in the final Arborist Report required per Condition C.15. *Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.*

8. <u>The Applicant must obtain a finalized demolition permit for removing the accessory structure located on Lot 6 and a portion of the new extension of SE 142nd Place. Prior to removal of the structure, tree protection must be installed in accordance with the final Tree Protection Plan, per Condition C.15.</u>

9. <u>The Applicant must remove the accessory structure on Lot 3. The Applicant must submit before and after photos of the removal (with the same perspective). Prior to removal of the structure, tree protection must be installed in accordance with Condition D.1. Alternately, the Applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.</u>

10. The Applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services and obtain final approval of permits for decommissioning the on-site sewage disposal systems for the two existing houses to remain (14210 and 14240 SE Ellis Street). The site plan for the permit must show all

trees to be preserved and root protection zones, in accordance with the final Tree Protection Plan, per Condition C.15. Prior to the decommissioning, tree protection must be installed in accordance with Condition D.1.

11. The Applicant must meet the requirements of the Bureau of Environmental Services for the stormwater systems on existing houses to remain (14210 and 14240 SE Ellis Street). Specifically, the gutters and downspouts 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 the Bureau of Environmental Services, the Applicant must obtain and finalize any required plumbing permits for this work prior to final plat approval.

12. The Applicant must meet the requirements of the Bureau of Environmental Services for the sanitary sewer service for the existing house on Lot 1, as follows: a) Demonstrate that the service lateral for the existing house is located on the lot that it serves by locating the lateral relative to the proposed property line; or b) Cap the existing lateral to provide future service to Lot 2 and establish a new service lateral for the existing house on Lot 1 to the sewer in SE Ellis.

Required Legal Documents

13. The Applicant shall execute a Maintenance Agreement for Tract A. The agreement shall assign ownership for the tract, in conformance with 33.653.030, and maintenance responsibilities for any privately maintained area, including the Springwater Corridor buffer landscaping. The agreement must also acknowledge all easements granted within the tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies, including the stormwater detention basin. 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.

14. The Applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lots 1-9. A copy of the approved Tree Protection Plan must be included as an exhibit to the Acknowledgement. The Acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

15. The Applicant must provide a final Tree Protection Plan and updated Arborist Report that demonstrates how Tree 1 will be effectively protected without tree protection fencing in the right-of-way and within the proposed utility easement, and how Trees 1, 7, 14-17, and 19 will be protected during the decommissioning of the on-site septic

systems, as well as the proposed grading and future development, to the satisfaction of the Bureau of Development Services.

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

1. Development on Lots 1-9 and Lot 12 shall be in conformance with the final Tree Protection Plan required per Condition C.15. Specifically, Trees 1, 7, 14-17, and 19 are required to be preserved and off-site Trees 1005 and 2006 are required to be protected during new house construction, with the root protection zones indicated on the final Tree Protection Plan. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030.

2. Lots 5-6, 14-15, 18-19, 22-23, and 26-27 may only be developed with attached houses meeting the development standards of Section 33.110.240.E, or equivalent.

3. The Applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

4. Any development permits on lots that require residential sprinklers must include residential sprinkler plans for review by the Plumbing Department of the Bureau of Development Services. Please refer to the final plat approval report for details on whether or not this requirement applies.

5. Prior to issuance of permits for any new residences on the site, the Applicant must obtain a Zoning Permit to install the landscape buffer required by the Springwater Corridor Standards, 33.537.130, within Tract A. The Zoning Permit must be finalized prior to occupancy of any new residences.

William Guzman

William Guzman, Hearings Officer

October 31, 2019
Date

Application Determined Complete:	February 21, 2019
Report to Hearings Officer:	October 4, 2019
Decision Mailed:	October 31, 2019
Last Date to Appeal:	4:30 p.m., November 14, 2019
Effective Date (if no appeal):	November 15, 2019

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

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

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OREGON 97201. Appeals can be filed at the 5th floor reception desk, Monday through Friday between 8:00 a.m. and 4:30 p.m. **An appeal fee of $5,000.00 will be charged (one-half of the application fee for this case, up to a maximum of $5,000.00).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

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

EXHIBITS
Not Attached Unless Indicated

A. Applicant's Statement
   1. Initial Submittal, received August 28, 2018
   2. Revised Submittal, received February 21, 2019
   3. 120-day waiver, received February 22, 2019
   4. Amended Submittal, received July 11, 2019
   5. Arborist Addendum and revised Tree Protection Plan, received August 8, 2019
   6. Modified Submittal, received September 9, 2019
B. Zoning Map
C. Plans and Drawings: received September 10, 2019
   1. Preliminary Plan-Tentative Plat Map
   2. Existing Features Map
   3. Preliminary Street and Utility Plan
   4. Preliminary Grading and Erosion Control Plan
   5. Proposed Onsite Improvement Plan
   6. Proposed Homes/Outdoor Plan
   7. Preliminary Planting Plan
D. Notification information
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant's statement certifying posting
   5. Mailing list
   6. Mailed notice
E. Agency Responses
   1. Bureau of Environmental Services
   2. Portland Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development, Bureau of Development Services
   6. Urban Forestry, Parks
   7. Life Safety, Bureau of Development Services
   8. David Douglas School District
F. Letters: (none received)
G. Other
   1. Original LUR Application
   2. Expedited Land Division Acknowledgement
   3. Letter to applicant re: incomplete application
   4. Correspondence to/from applicant

H. Received in the Hearings Office
   1. Hearing Notice - Green, Kate
   2. Staff Report - Green, Kate **(attached)**
   3. Letter - Peart, Mirabai
      a. Photos (6 pages) - Peart, Mirabai
   4. PowerPoint presentation printout - Green, Kate
   5. Tree Plan Addendum - Green, Kate
   6. Record Closing Information - Hearings Office

City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 18-228103 LDS
PC # 18-120149
REVIEW BY: Hearings Officer
WHEN: Wednesday, October 16, 2019 at 1:30 PM
WHERE: 1900 SW Fourth Avenue, Suite 3000
Portland OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: KATE GREEN / KATE.GREEN@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Ante Skoro / Clear Water Homes LLC
PO Box 2885
Clackamas OR 97015

Engineer/Surveyor: Lance Forney / All County Surveyors And Planners, Inc.
PO Box 955
Sandy OR 97055
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14240 SE Ellis Street
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RECD HEARINGS OFFICE
FR,OCT4'19PM1:33

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Quarter Section: 3645

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-2
Case # 4190021
Bureau Case # 18-228103 LDS

Neighborhood:	Powellhurst-Gilbert / pgnaboard@gmail.com
Business District:	Midway / info@midwaybusiness.org
District Coalition:	East Portland Community Office / Victor Salinas / 503-823-6694
Zoning:	Single Dwelling Residential 5,000 (R5)
Plan District:	Johnson Creek Basin
Other Designations:	Springwater Trail
Case Type:	Land Division-Subdivision (LDS)
Procedure:	Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The applicant proposes a **Land Division-Subdivision** to create 34 lots for detached and attached houses. The proposal includes new public street extensions for SE 142nd Place, SE Cannon Street, and SE Reedway Street, with new water and sewer extensions in those rights-of-way. A stormwater tract (Tract A) is proposed abutting the Springwater Trail Corridor. Two existing houses will be retained; one on Lot 1 and another on Lot 8. Another house and several outbuildings will be removed.

This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; (2) more than ten lot are proposed (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 35 units of land (34 lots and 1 tract). Therefore, this land division is considered a subdivision.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**.

FACTS

Site and Vicinity: The subject site is an approximately 4.6-acre property that is moderately sloped from the north, along its SE Ellis Street frontage, down to the south, along the Springwater Corridor. The site is currently developed with three houses and several accessory buildings located on the north end of the site. Several large trees are located near the homes and along the west property line. The balance of the site consists of a large open field and an area occupied by fruit trees.

The north boundary of the site abuts SE Ellis Street near the foot of SE 142nd Place. SE Cannon Street and SE Reedway Street dead-end into the east side of the site. The area includes a mix of rights-of-way: some are fully developed with sidewalks and stormwater facilities; some have only a center strip of paving; and others are undeveloped. At this time, many of the surrounding streets are dead-ends and through connections are limited.

The site is situated within a residential area that is generally bounded by SE Holgate Boulevard to the north; Powell Butte Nature Park to the east; the Springwater Corridor to the south; and SE 136th Avenue to the west. Most of the surrounding properties are in the R5 zone and are developed with one and two story homes on lots that range in size from approximately 3,000 square feet to 4 acres. Many of the smaller lots were established through land divisions created in the last two decades. Multi-dwelling (R2) and lower density single-dwelling (R2.5) zoning and development flanks both sides of 136th Avenue and the nearby parks and trails are in the open space (OS) zone.

Infrastructure:

- **Streets** – The site has approximately 300 feet of frontage on SE Ellis Street. Three neighboring streets, SE 142nd Place to the north, and SE Cannon Street and SE Reedway Street to the east, will be extended onto the site. At this time, four driveways serve the existing development from SE Ellis. The site's SE Ellis frontage has a paved roadway, but there are no curbs or sidewalks. The SE Ellis frontage along several nearby properties has been developed with curbs, sidewalks, planters and street trees. The other neighboring streets are developed with curbs, sidewalks, planters and street trees. Parking is allowed on each of the streets. At this location, SE Ellis, SE 142nd, SE Cannon and SE Reedway are all classified as *Local Service* streets for all transportation modes in the City's *Transportation System Plan.*

  The nearest bus stop located at the intersection of SE Harold & SE 136th (TriMet #10) approximately 0.4-miles west of the site

- **Water Service** – There is an existing water main in SE Ellis Street, and the existing houses are served by this main.

- **Sanitary Service** - There are existing 8-inch PVC sanitary sewers in SE Ellis Street (BES as-built #4987), SE Cannon Street (BES as-built #7615), SE Reedway Street (BES as-built #7615) and two other 8-inch PVC sanitary sewers that cross the Springwater Corridor southwest (BES as-built #4987) and southeast (BES as-built #4987) of the site.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The site in the **Single Dwelling Residential 5,000 (R5)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

The site is also within the **Johnson Creek Basin Plan District** and adjacent to the Springwater Corridor. The plan district regulations are intended to provide 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: City records indicate there are no prior land use reviews for this site.

Agency Review: A *Request for Response* was mailed February 26, 2019. Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

Neighborhood Review: A *Notice of Public Hearing on a Proposal in Your Neighborhood* was mailed on **September 23, 2019.** No written responses have been received from the Neighborhood Association or notified property owners.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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 criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
L	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

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 dimension requirements applicable in the RF through R5 zones. Density calculations are based on the size of the land division site and whether a new street is created. Since new streets are proposed, the maximum and minimum density standards are calculated based on the following:

- Maximum number of lots = square footage of site x 0.85 ÷ maximum density (per Table 610-1)
- Minimum number of lots = square footage of site - square footage of site within an environmental overlay zone, potential landslide hazard area, or special flood hazard area x 0.68 ÷ maximum density (per Table 610-1)

In this case, the survey shows the site is 203,449 square feet; per Table 610-1, the maximum density is 1 unit per 5,000 square feet; and based on city maps, none of the site is within an environmental overlay zone, or landslide or flood hazard area. Therefore, the density is as follows:

- Maximum = 35
- Minimum = 28

The applicant is proposing 34 single dwelling lots, so the density standards are met.

The table below shows the required and proposed lot dimensions for the 34 lots. As shown in the table, 24 of the lots are proposed as standard lots; and 10 (noted in *italics*) are proposed as attached house lots using a provision that allows for reduced sized lots on corners (Alternative Development Options, 33.110.240.E). The provision also allows for additional density, but the applicant has not elected to propose any additional density. To be allowed, the combined area of the corner lots must be at least 4,500 square feet and the lots must be developed with attached houses that meet specific development standards (33.110.240.E.4).

Required and proposed lot dimensions

	Minimum Lot Area (square feet)	Maximum Lot Area (square feet)	Minimum Lot Width* (feet)	Minimum Depth (feet)	Minimum Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
attached house corner lots	*1,600*	*NA*	*36*	*40*	*30*
Lot 1	8,500		86	97	86
Lot 2	3,837		39	99	36
Lot 3	3,533		36	95	36
Lot 4	3,444		36	95	36
Lot 5	*2,835*		*50*	*55*	*50*
Lot 6	*3,410*		*45*	*75*	*45*
Lot 7	3,690		39	94	37
Lot 8	8,500		89	95	89
Lot 9	3,904		44	89	45
Lot 10	3,910		61	59	55
Lot 11	3,672		36	102	36
Lot 12	3,922		40	95	40
Lot 13	3,732		39	95	39
Lot 14	*2,176*		*38*	*57*	*38*
Lot 15	*2,325*		*41*	*57*	*38*
Lot 16	3,063		38	79	38
Lot 17	3,063		38	79	38
Lot 18	*2,175*		*38*	*57*	*38*
Lot 19	*2,325*		*41*	*57*	*38*
Lot 20	3,756		39	96	39
Lot 21	3,947		40	96	40
Lot 22	*2,813*		*49*	*57*	*46*
Lot 23	*2,577*		*45*	*57*	*45*
Lot 24	3,664		38	94	38
Lot 25	3,664		38	94	38
Lot 26	*2,813*		*49*	*57*	*45*
Lot 27	*2,576*		*45*	*57*	*45*
Lot 28	4,109		40	100	40
Lot 29	4,109		40	100	40
Lot 30	4,109		40	100	40
Lot 31	4,109		40	100	40
Lot 32	4,109		40	100	40
Lot 33	4,109		40	100	40
Lot 34	3,969		40	96	40

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Based on the proposed lot layout, each of the standard lots and each of the attached house corner lots meet the applicable lot dimensions.

The findings above show that the applicable density and lot dimension standards are met. Therefore, this criterion is met.

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided an Existing Features Map (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report and several addendums (Exhibits A.1, A.5) that identify each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved. In addition, the applicant's arborist report has also identified root protection zones for 2 large trees, on adjacent site to the west, as addressed in more detail in Criterion G, below. Based on this information, 11 trees, which provide a total of 379 inches of tree diameter are subject to the preservation requirements of this chapter.

The applicant proposes to retain the following 7 trees:

Number	Species	Diameter (inches)
1	*Salix sp*/curly willow	14
7	*Platanus occidentalis*/sycamore	37
14	*Picea sitchensis*/Sitka spruce	30
15	*Liquidamber styraciflua*/sweet gum	18
16	*Thuja plicata*/Western red cedar	28
17	*Thuja plicata*/Western red cedar	23
19	*Tsuga heterophylla*/Western hemlock	44

These trees equate to 179 inches or 51 percent of the total tree diameter; and 5 of the trees are 20 or more inches in diameter. As such, the proposal complies with the minimum tree preservation standard *Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site.*

The trees proposed for preservation are in fair to good condition and include native and non-nuisance species. Modified root protection zones are proposed, which the project arborist indicates will effectively protect the trees to be retained and accommodate the type of development anticipated in the R5 zone. However, the root protection zone proposed for Tree 1 appears to extend into an area where right-of-way improvements are required and where a utility easement is proposed. Additionally, no information has been provided to demonstrate how the trees will be protected when the on-site septic systems, discussed in Criterion G, below, are removed.

Therefore, to ensure adequate tree protection measures are provided, the applicant must provide a final Tree Protection Plan and updated Arborist Report that demonstrates how Tree 1 will be effectively protected without tree protection fencing in the right-of-way and within the proposed utility easement, and how Trees 1, 7, 14-17, and 19 will be protected during the decommissioning of the on-site septic systems, as well as the proposed grading and future development, to the satisfaction of BDS prior to final plat approval.

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Lots 1-9 must be carried out in conformance with the final Tree Preservation Plan and the updated Arborist Report, required above.

With the implementation of the noted conditions, the approval criteria will be met.

At the time of development, the individual lots must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

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

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.

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

Clearing and Grading: The site is not within the Potential Landslide Hazard Area. The northern portion of the site between SE Ellis Street and the existing houses is relatively flat; behind the existing houses, the site slopes down moderately (10-20 percent) to the south lot line.

The applicant has submitted a Preliminary Grading and Erosion Control Plan (Exhibit C.4) that depicts tree removal and mass grading for the street and stormwater facility areas, as well as grading on the lots. The plan including existing and proposed elevation contours, a soil stockpile area, and root protection zones for the trees to be preserved, as discussed in Criterion B, above, and for two large off-site trees (Tree 1005, 58-inch Douglas fir, and Tree 2006, 48-inch Douglas fir) on the neighboring site to the west. The plan includes notes about "silt fencing and limits of disturbance fence". However, the plan does not show a specific boundary for the overall clearing and grading limits or staging and stockpile areas. Additionally, portions of the grading extend off the subject site (near Lot 11) and some of the proposed grading lines do not clearly tie back into the existing grades (near Lots 11, 22, 23, 24, 34 and Tract A). Grading off the site is not allowed, unless the applicant can demonstrate that a construction easement has been established on the neighboring land(s). No such documentation has been provided to date.

Therefore, to ensure the grading is limited to areas that are reasonably necessary for construction of the development shown on the preliminary plan, the applicant will be required to provide a final grading plan, which resolves the noted discrepancies. The final grading plan must also demonstrate that the limits of disturbance will allow for the existing house and accessory structures to be demolished and any debris associated with these buildings to be removed.

As noted in the Site Development response: [t]*he project area meets the criteria specified in City Code 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer will be required at the time of building permit application* [and] [a] *1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to*

surface waters of the state. Additionally, stormwater runoff from the new street and lots will be required to be appropriately managed to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). Based on these factors, adjacent properties are not expected to be impacted by runoff or erosion, since erosion control measures must be installed and inspected, prior to starting the grading work.

To allow the applicant to conduct the majority of the clearing and grading on the site at one time, limit the disturbance on the adjacent properties, effectively manage erosion and sedimentation concerns, and assure the necessary tree protection measures are in place before the grading begins, the applicant must obtain a permit which demonstrates that the final clearing and grading plan is generally consistent with the preliminary clearing and grading plan approved with the land division and reflects the noted corrections.

To this end, prior to final plat approval, the applicant must obtain a Site Development permit that shows the grading work, limits of disturbance and tree protection fencing, areas of topsoil storage and general stockpiling that are located directly adjacent to the new street rights-of-way, and outside of the root protection zones of the trees on the site to be preserved, as well as the changes noted above. Alternatively, if the proposed grading work is modified and limited to the scope of the public works permit, then, prior to final plat approval, the applicant must provide documentation from Public Works Permitting that demonstrates the clearing and grading reflected on the final clearing and grading plan will be permitted as part of the public works permit instead. And, if the grading will be permitted as part of the public works permit, then a Zoning Permit must be obtained for the installation of tree protection and to document that the final clearing and grading plan conforms with the requirements described above.

With the noted conditions, this criterion will be met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant proposes to remove one of the existing houses and other associated detached accessory structures (14230 SE Ellis Street), retain two other houses (14210 and 14240 SE Ellis Street) and develop the balance of the site. To ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of the structures on 14230 SE Ellis Street and sewer capping prior to final plat approval.

Additionally, although the site is currently connected to the public sanitary sewer, there are old septic systems on the site (located at 14210 and 14240 SE Ellis Street). The City has no record that those facilities were 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 those facilities.

With conditions requiring these activities to be conducted in accordance with the tree protection measures discussed in Criterion B, above, and final inspections for the demolition permits and the decommissioning permits, 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.

Findings: As discussed in more detail in Criterion L, below, the applicant proposes to manage stormwater runoff from the new public rights-of-way in a stormwater detention pond, which will be located in a tract, Tract A: Stormwater Management. The Bureau of Environmental Services (BES) has noted that a public easement, granted to the City of Portland, must be provided over relevant portions of Tract A to accommodate access to and maintenance of the stormwater facility.

An ownership agreement must be provided with the final plat that indicates the ownership of Tract A is consistent with the ownership requirements for stormwater tracts (33.653.030). A maintenance agreement will also be required, pursuant to 33.636.100.B, which commits the owners of the tract to maintain any area not maintained by the city. The agreement must be recorded with the final plat.

In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, 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 condition that the noted ownership and maintenance agreement be provided, this criterion will be met.

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

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

The applicant has proposed a fairly regular lot pattern with lots fronting on north-south or east-west streets. Nearly all of the lots are either: corner lots on the south side of the street or interior lots where the solar standards express no preference for lot width; or corner lots proposed for attached houses where the solar provisions do not apply. Lot 10 is the only a corner lot on the north side of the street that is proposed for single dwelling detached development. The solar regulations call for corner lots with this orientation be the narrowest. Lot 10 is not the narrowest. However, the lot configuration is also predicated, in part, on the layout of the new public streets and the need to retain trees and two of the existing homes. Those other requirements supersede 33.639; therefore, the solar access criteria do not apply.

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

Findings: The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2): *PBOT has reviewed the applicant's Transportation Impact Study (TIS) and concurs with the findings that with construction of new public streets, the transportation system will be capable of supporting the proposed development in addition to the existing uses in the area.*

PBOT including the following findings:

<u>*Safety*</u>
Sight Distance: *Intersection sight distance was measured and evaluated in accordance with the standards established in A Policy on Geometric Design of Highways and Streets, published in 2011 by the American Association of State Highways and Transportation Officials (AASHTO). According to*

AASHTO the driver's eye is assumed to be 15 feet from the near edge of the nearest lane of the intersecting street and at a height of 3.5 feet above the approach street pavement, which is representative of driver's eye operating a wide range of vehicles from passenger cars to heavy vehicles. Vehicle/object height is assumed to be 3.5 feet above the cross-street pavement.

Based on the statutory speed limit of 25 mph, there is a required sight distance of 280 feet along SE Ellis Street. Sight distance was measured at the proposed extension of SE 142nd Place. Sight distance was measured to be 445 feet to the east, to SE 145th Avenue. Sight distance was measured to be in excess of 500 feet to the west. Sight distance is adequate at the proposed extension of SE 142nd Place. No mitigation is necessary.

Motor Vehicle Safety: *Using data obtained from the Oregon Department of Transportation's (ODOT) Crash Analysis and Reporting Unit, a review of the most recent available five years of crash history (from January 2012 to December 2016) was conducted for the study intersections. The crash data was evaluated based on the number of crashes, the type of collisions, the severity of the collisions, and the resulting crash rate for the intersection. Crash rates provide the ability to compare safety risks at different intersections by accounting for both the number of crashes that have occurred during the study period and the number of vehicles that typically travel through the intersection. Crash rates were calculated using the common assumption that traffic counted during the evening peak hour represents ten percent of the average daily traffic (ADT) at the intersection. Crash rates in excess of one crash per million entering vehicles (CMEV) may be indicative of design deficiencies and therefore require a need for further investigation and possible mitigation.*

The intersection of SE 136th Avenue at SE Holgate Boulevard had a total of 11 crashes during the analysis period. The crashes consisted of four rear-end collisions, three angle-type collisions, two turning movement collisions, one fixed object collision, and one bicycle collision. The crashes resulted in 11 possible injuries and one non-incapacitating injury. The bicycle collision was caused by a bicyclist that ran the stop sign. The bicyclist suffered a non-incapacitating injury. The crash rate for this intersection was calculated to be 0.51 CMEV.

The intersection of SE 136th Avenue at SE Ellis Street had a total of two crashes during the analysis period. One crash was classified as a turning movement collision that resulted in property damage only. The other crash was classified as a pedestrian collision. The pedestrian collision was caused by a right-turning vehicle that did not yield to pedestrian right-of-way. The pedestrian suffered a non-incapacitating injury. The crash rate for this intersection was calculated to be 0.13 CMEV.
The intersection of SE 136th Avenue at SE Foster Road had a total of 16 crashes during the analysis period. The crashes consisted of seven rear-end collisions, seven turning movement collisions, one fixed object collision, and one backing moving collision. The crashes resulted in 13 possible injuries. The crash rate for this intersection was calculated to be 0.40 CMEV.

Crash history was not available for the intersection of SE Ellis Street at SE 142nd Place.

Bicyclist Safety: *The Springwater Corridor Trail is a 21-mile paved multi-use trail from downtown Portland to Boring. For the most part, the trail is well separated from the public road. The trail is part of the Portland area's 40 Mile Loop trail system and connects to many nearby parks and natural areas. The Springwater Corridor is located directly south of the property line's edge.*

Additionally, the surrounding neighborhood has many low volume residential streets where bicyclists can comfortably share the road with motorized vehicles.

Based on the review of bicycle facilities available in the site vicinity, adequate bicycle facilities are available to safely support commuter and recreational cycling.

Pedestrian Safety: *Sidewalks are at least partially available along all study roadways. Upon completion of the proposed development, the connections of SE Cannon Street and SE Reedway Street will provide continuous sidewalks.*

Transit User Safety: *As noted in the Transit Availability section, the nearest bus stops that could reasonably serve transit users of the proposed development and nearby existing land-uses are located on SE 136th Avenue, SE Foster Road, and SE Harold Street. Transit users can reach the bus stops by walking on low-volume residential streets where traffic volumes and speeds allow pedestrians to safely share the roadway with motorized vehicles or use existing sidewalks and trails where applicable.*

Street Capacity, Level of Service, and Connectivity

Traffic Counts: *Traffic counts were collected at the study intersections on Thursday, May 31st, 2018, between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM. Per the direction of the City of Portland, historical count data was used for the intersection of SE 136th Avenue at SE Foster Road which was collected on Thursday March 19th, 2015, between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM.*

Conditions were analyzed two years in the future to estimate the traffic when the development is expected to be complete. A growth rate of two percent per year was used to estimate all future year scenarios.

Capacity Analysis: *To determine the level-of-service at the study intersections, a capacity analysis was conducted. The analysis was conducted using the signalized and unsignalized intersection analysis methodologies in the Highway Capacity Manual (HCM) published by the Transportation Research Board. The City of Portland requires signalized intersections operate at level-of-service (LOS) D or better and unsignalized intersections to operate at LOS E or better. Detailed LOS descriptions are included in the technical appendix.*

[Table 4 summarizes the capacity analysis]. *All intersections are projected to operate acceptably under all analysis scenarios. No operational mitigation is required or recommended.*

Table 4 - Capacity Analysis Summary

	Morning Peak Hour			Evening Peak Hour		
	Delay	LOS	V/C	Delay	LOS	V/C
SE 136th Avenue at SE Holgate Boulevard						
Existing Conditions	15	C	0.65	27	D	0.85
Year 2020 Background Conditions	17	C	0.68	32	D	0.89
Year 2020 Background + Site	17	C	0.70	34	D	0.92
SE 136th Avenue at SE Ellis Street						
Existing Conditions	12	B	0.15	14	B	0.14
Year 2020 Background Conditions	13	B	0.16	14	B	0.15
Year 2020 Background + Site	13	B	0.20	15	B	0.19
SE 136th Avenue at SE Foster Road						
Existing Conditions	44	D	0.86	17	B	0.79
Year 2020 Background Conditions	54	D	0.90	18	B	0.82
Year 2020 Background + Site	55	D	0.90	18	B	0.82
SE Ellis Street at SE 142nd Place						
Existing Conditions	9	A	0.01	8	A	0.01
Year 2020 Background Conditions	9	A	0.01	8	A	0.01
Year 2020 Background + Site	9	A	0.02	9	A	0.01

Transit Availability: *There are two nearby bus lines within one mile of the project site. Tri-Met Bus Line #10 – Harold Street provides weekday service between Lents Town Center and Portland City Center along Harold, Steele, 28th, 26th, Clinton, Ladd, Madison/Hawthorne, and Main/Madison. Service is provided between 5:00 AM and 9:00 PM on weekdays. Service is not provided on weekends.*

Tri-Met Bus Line #17 – Holgate/Broadway connects the Powellhurst neighborhood to NE Portland via SE Portland, South Waterfront, Portland City Center, and NW Portland. Service is available between 4:30 AM and 1:15 AM on weekdays and weekends.

The available transit service is sufficient to meet the needs of the proposed development in addition to the existing land uses in the site vicinity.

Availability of Pedestrian and Bicycle Networks: *Sidewalks are available along at least one side of vicinity roadways to provide pedestrians a safe route to nearby transportation options and land uses. Bicycle lanes are partially provided along major roadways such as SE 136th Avenue, SE Holgate Boulevard, and SE Foster Road. As noted within the bicycle safety section, the Springwater Corridor is located directly south of the subject site. Additionally, the project site is located near many residential, low-volume roadways with posted speed limits of 25 or 20 mph.*

On-Street Parking Impacts: *The projected parking demand that will be generated as a result of the proposed development was estimated using rates from the manual Parking Generation[1]. Data for land-use code 210, Single-Family Detached Housing, was used to determine the total parking demand of the proposed development. From the calculations, it is expected that the proposed development of 34 homes will generate a peak parking demand of 62 vehicles.*

The on-street parking created with the new roadway connections was estimated by measuring the length of each block and excluding frontage area for each driveway curb-cut, fire hydrant, or other unavailable area. The remaining frontage area was then divided assuming 20 feet per parked vehicle with a 4-foot buffer area for every two parked vehicles to derive a number of available parking spaces. This methodology often underestimates the total number of available spaces. Based on these assumptions, there is a total of 14 parking spaces along the new SE Reedway Street connection and 15 parking spaces along the new SE Cannon Street connection.

Each lot will have a private driveway; therefore, it can be assumed that at least one vehicle will park off the street. With this reduction, there is a projected on-street parking demand of 28 vehicles. The new on-street parking along SE Reedway Street and SE Cannon Street generated by the proposed development can support the peak parking demand. It should be noted that this estimate does not include the on-street parking created along SE 142nd Place.

Since the proposed development contains several new street connections, the available on-street parking created by the proposed development will be sufficient to serve the generated parking demand.

Access Restrictions: *Access to the proposed subdivision will be provided via the proposed roadway connections of SE 142nd Place, SE Cannon Street, and SE Reedway Street. Access between these roads and the greater transportation system is provided by a well-connected network of local, collector, and arterial roadways in the general vicinity of the site. The primary east/west connections that serve the site include SE Foster Road and SE Holgate Boulevard, while the primary north/south connection is SE 136th Avenue. From these vicinity roadways, other major roadways that may be*

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[1] Institute of Transportation Engineers (ITE), *Parking Generation*, 4th Edition, 2010.

accessed include Interstate 205 and US Highway 26. Loading vehicles for any of the proposed lots may utilize each lots' private driveway. Larger delivery vehicles may utilize on-street parking that will be provided within the subdivision's internal roadways.

The project site has adequate vehicles access and loading areas. No mitigation is recommended.

Neighborhood Impacts: *The impacts associated with the proposed development are expected to be minor. The development is projected to generate a total of 24 trips during the morning peak hour and 31 trips during the evening peak hour. The study intersections are projected to operate acceptably upon completion of the proposed development. The additional parking demand will be served within the new street connections of the development. The subdivision will be located within a residential neighborhood and will have impacts similar to that of existing homes within the vicinity.*

As described within this study, the added trips on the nearby transportation system will not have a significant effect on the operation or safety of the nearby street system.

Impacts on Pedestrian, Bicycle, and Transit Circulation: *Based on the review of pedestrian, bicycle, and transit facilities available in the site vicinity described earlier within this report, as well as the low expected trip generation of the proposed development, it is not expected that the development will significantly impact the existing circulation of these modes of transportation.*

Based on these factors and the with street improvements discussed in more detail in Criterion L, below, these criteria are 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 criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibits E.3 and E.4

The Water Bureau has indicated that new water mains must be installed to serve the proposed lots. Water noted: *The applicant may design and construct the new water mains but at the applicant's expense the Water Bureau will: 1) review and approve the water system plans; 2) inspect the installation; and 3) make the connection to the existing mains. All fees for the above referenced main work must be paid in full to the Water Bureau.*

Additionally, the Fire Bureau has noted: *The applicant is required to have fire hydrants installed in the public-right-of-way. Work may only be completed by the Portland Water Bureau. Contact the Portland Water Bureau's Development Services office at 503-823-7368 for fee and installation information. The applicant shall provide verification that the required fire hydrants have been approved and included in the public works permit by the Water Bureau and the Fire Bureau.*

To meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau for the new water mains and fire hydrants prior to final plat approval. With this condition, the water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1

The Bureau of Environmental Services has reviewed the proposal and provided the following information about the sanitary services:

Existing development to remain:

Lot 1: *According to City plumbing records (1996), there is an existing sanitary connection that serves the existing structure on proposed Lot 1. According to the sewer TV inspection record (2011), the lateral is located 31 feet west from the manhole in SE Ellis St (manhole #ACQ380), which indicates that the existing sanitary service may cross the proposed new lot line. Therefore prior to final plat approval the applicant must:*

- *Demonstrate that the service lateral for the existing house is located on the lot that it serves by locating the lateral relative to the proposed property line; or*
- *Cap the existing lateral to provide future service to Lot 2 and establish a new service lateral for the existing house on Lot 1 to the sewer in SE Ellis. This is the option that is shown on the submitted plans.*

To accurately determine the location of the existing lateral, it must be field located and shown on the surveyor's supplemental plan. For capping and establishing new service, the work must be completed and the applicant must obtain finalized plumbing and connection permits prior to final plat approval.

Lot 8: *According to City plumbing records (1997), there is an existing sanitary connection that serves the existing structure on proposed Lot 8. According to the sewer TV inspection record (2011), the lateral is located 370 feet west from the manhole in SE Ellis St (manhole #ACQ381), which indicates that the existing sanitary service will remain on the lot served. This is what is shown on the submitted utility plan, which proposes Lot 8 continue to use the existing connection.*

Proposed development:

Lot 2: *Lot 2 will be served by the existing connection formerly serving Lot 1.*

Lots 3-7 and 9-34: *Currently there are no public sewers directly available to Lots 3-7 and Lots 9-34; therefore, the applicant proposes to extend a public sewer to provide individual connection locations. Under Public Works Permit (PWP) #EP484, BES Development Engineering conditionally approved the Concept Development plans (i.e. 30% design) for the sewer extension on September*

26, 2019; therefore BES finds that sanitary sewer can be made available to Lots 3-7 and Lots 9-34; as shown. Prior to final plat approval, BES will require approved plans, a financial guarantee, receipt of all outstanding fees, and a signed permit document.

With the implementation of the noted conditions, the sanitary sewer service standards of 33.652 will be met.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1

The Bureau of Environmental Services has reviewed the proposal and provided the following information about the proposed stormwater management methods:

Public Street Improvements:
Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual.

Per Public Works Permit (PWP) #EP484, stormwater from the public right-of-way will be collected and managed with the installation of a public storm sewer and a public vegetated stormwater infiltration pond to be located in a public easement in Tract A. BES Development Engineering conditionally approved the Concept Development plans (i.e. 30% design) for the right-of-way stormwater improvements on September 26, 2019; therefore, BES finds that public stormwater facilities can be constructed as shown on the applicant's Preliminary Site Utility Plan. Prior to final plat approval BES will require approved plans, a financial guarantee, any necessary easements, receipt of all outstanding fees, and a signed permit document.

Existing development to remain:
The applicant has proposed to retrofit the downspouts for the structures to remain on Lot 1 and Lot 8 in order to meet the setback standards in the SWMM. The applicant has proposed splashblocks to ground that meet the SWMM standards for disconnected downspouts. The proposed retrofits must be complete, with any necessary permits finalized prior to final plat.

Proposed development:
Staff reviewed the project's stormwater report from All County Surveyors and Planners, Inc (July 1, 2019) that describes Presumptive Approach infiltration test results of 0.8 to 1.2 inches per hour at three to eight feet deep on this site. The applicant proposes to infiltrate runoff from each lot onsite via individual StormTech infiltration chambers that can meet minimum setbacks as established in the facility design standards in the SWMM.

Based on the foregoing, the size and design of the stormwater tract (Tract A) will provide adequate capacity for the expected amount of stormwater; and, with the implementation of the noted conditions, the stormwater management standards and criteria will be met.

33.654.110.B.1 Through streets and pedestrian connections
33.654.130.B Extension of existing public dead-end streets & pedestrian connections
33.654.130.C Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The site is within the area covered by the *SW & Far SE Portland Master Street Plan* (2001); however, there are no specific street or pedestrian alignments identified on the subject property.

The site has frontage on SE Ellis Street; and, presently, SE 142nd Place ends north of the site across SE Ellis; and SE Cannon Street and SE Reedway Street terminate at the east boundary

of the site. To contribute to the connectivity goals and provide frontage for most of the new lots, new extensions of SE 142nd Place, SE Cannon and SE Reedway will be provided across the site, and will be consistent with the spacing provisions. The proposed street extensions for SE Cannon and SE Reedway will terminate along the west site boundary, which will allow those streets to be extended, in the event the adjacent property further develops.

Overall, these additional rights-of-way will contribute to through connections for vehicles and pedestrians by providing extensions of existing dead-end streets and allowing opportunities for future access to the adjacent property. With the implementation of the related street improvements, as further outlined in the conditions below, these criteria will be met.

33.654.120.B, C and H Width & elements of the right-of-way and Street Trees – See Exhibits E.2 and E.6

SE Ellis Street is a public right-of-way and the proposed street extensions for SE 142nd, SE Cannon, and SE Reedway will also be public rights-of-way. These provisions require the width of the rights-of-way to be sufficient to accommodate expected users and require the configuration of the elements within the right-of-way to meet PBOT standards.

PBOT reviewed the proposal and determined, at this location, SE Ellis, SE Cannon, SE 142nd, and SE Reedway are all classified as Local Service streets for all transportation modes in the City's Transportation System Plan. All public street extensions will be classified as Local Service Streets.

PBOT also identified the following frontage improvements will be required in relation to the proposed development: At this location, 48-foot wide dedications will be required for the new public streets. The 48-foot wide rights-of-way will be improved with 26-foot wide roadways, with 0.5-foot curbs, 4-foot furnishing zones (with planters for street trees), 6-foot wide sidewalks, and 0.5-foot frontage zones. SE Ellis will be improved with a 0.5-foot curb, 4-foot furnishing zone, 6-foot sidewalk, and 0.5-foot frontage cones; no dedication is required along the SE Ellis frontage.

The applicant proposes to dispose of stormwater from the streets in an infiltration basin in Tract A, as discussed in the Stormwater Management section, above.

Urban Forestry has noted that street trees must be planted for each full increment of 25 linear feet, and trees must be planted through the building permit(s) or public works permit.

The applicant submitted plans showing the noted dedications (Exhibit C.1) and a preliminary planting plan showing proposed tree locations (Exhibit C.7), which includes a note that a final landscape plan will be provided with the final engineering.

Based on these factors, with the required dedications, the noted rights-of-way are expected to be sufficient for the anticipated users and will provide adequate space for the street and street tree improvements. To ensure these requirements are completed, the required right-of-way dedications must be shown on the final plat; plans and financial assurances must be provided for the construction of the street improvements, including the street trees required by Urban Forestry; and the public improvements must be constructed under a public works permit.

With the implementation of these conditions, this criterion will be met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent rights-of-way can be provided on the final plat. The project plans show an 8-foot utility easement is proposed adjacent to the proposed public streets. As such, this criterion is met.

33.655.100 School District Enrollment Capacity Standard

The applicant obtained verification that the David Douglas School District enrollment capacity is adequate to serve the proposed development or projected increase in student population (Exhibit E.8). Therefore, this standard is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development: 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 (Lots 5-6, 14-15, 18-19, 22-23 and 26-27) created using the provisions of Section 33.110.240.E.
  1. The address and main entrance of each house must be oriented to a separate street frontage.
  2. The height of the two units must be within 4 feet of each other
  3. The exterior finish material must be the same, or visually match in type, size and placement.
  4. The predominant roof pitch must be the same.
  5. Roof eaves must project the same distance from the building wall.
  6. Trim must be the same in type, size and location.
  7. Windows must match in proportion and orientation.

- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

- Johnson Creek Basin Plan District: This site is within the Johnson Creek Basin Plan District and adjacent to the Springwater Corridor, so additional plan district regulations apply to this site, including 33.537.125, Tree Removal Standards, which restrict the removal of trees within 20 feet of the Springwater Corridor; and 33.537.130, Springwater Corridor Standards, which require a 20-foot landscaped buffer along lot lines that abut the Springwater Corridor. In this case, Tract A will abut the Springwater Corridor and the applicant provided a Preliminary Planting Plan (Exhibit C.7); however, the plan does not show trees and other required planting within the 20-foot area adjacent to the Springwater Corridor. Therefore, to ensure this requirement is met, the applicant will be required to obtain a Zoning Permit to demonstrate the proposal meets the Springwater Corridor Standards, 33.537.130, and the permit must be finalized prior to occupancy of any new residences on the site. The maintenance responsibilities for the plantings must also be addressed in the maintenance agreement required for the tract.

Existing Development: The existing development on the site will remain and be located on Lot 1 and Lot 8. 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. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (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 houses 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 houses to remain on Lot 1 and Lot 8 will be 10 or more feet from the new property lines. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.

  One house and an accessory structure will need to be removed for the extension of SE 142nd Place and a portion of Lot 6 to avoid setback conflicts. Demolition permits must be obtained for the removal of those structures. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection.

- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Lot 3 must be removed prior to final plat. Because the structure is less than 200 square feet in size, a demolition permit is not required. The applicant must submit before and after photos to document removal of the structure. Alternatively, the applicant may choose to execute a covenant with the City to retain the accessory structure for up to two years without a primary structure. The covenant must meet the requirements of 33.700.600 and be executed prior to or with the Final Plat.

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 proposal.

Bureau	**Code Authority and Topic**
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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.

- Fire Bureau: Thee applicant must meet the requirements of the Fire Bureau for fire flow/water supply, fire hydrants and spacing, addressing of structures, parking allowance roads, aerial fire department access roads and sprinkler permitting requirements. These requirements are based on the 2016 Portland Fire Code and technical standards of Title 31 and Fire Bureau Policy B-1.

- Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting as part of the public works permit, in accordance with the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 34-lot subdivision with public streets and a stormwater tract (Tract A), as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the primary issues identified with this proposal are:

- dedication and improvements for public rights-of-way, water, sanitary and storm systems;
- tree preservation;
- removal of existing house, accessory structures, and on-site septic systems;
- attached house corner lot provisions;
- Fire Bureau requirements; and
- ownership and maintenance agreement for the stormwater tract.

Based on the findings in this report, the relevant standards and approval criteria have been met, or can be met with conditions. Accordingly, this proposal can be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Preliminary Plan for a 34-lot subdivision, that will result in 14 standard lots and 10 attached house corner lots; a stormwater management tract (Tract A); and new public rights-of-way, as illustrated with Exhibits C.1-C.7, subject to the following conditions:

A. Supplemental Plan. Four copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by Land Use, Fire, and BES. 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;
- Stormwater disposal and sanitary systems for the existing houses on Lot 1 and Lot 8;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 142nd Place, SE Cannon Street, and SE Reedway Street. The required right-of-way dedications must be shown on the final plat.

2. The stormwater tract shall be noted on the plat as "Tract A: Stormwater Management. A public easement, granted to the City of Portland, shall be shown over the relevant portions of Tract A,

to the satisfaction of the Bureau of Environmental Services. A note must also be provided on the plat indicating the ownership and maintenance responsibilities of tract consistent with the requirements for stormwater tracts (33.653.030).

3. 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.14 and C.15. 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:

Streets

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's street frontages. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements. Prior to ground disturbing activity related to the public works permit, the applicant must obtain an approved tree protection inspection for the BDS Permit required by Condition C.2.

2. The applicant shall submit an application for a Site Development Permit for mass grading and utility construction for the new public streets and related site development improvements. Or, if the proposed grading work is modified and limited to the scope of the public works permit, then the applicant must provide documentation from Public Works Permitting that demonstrates the clearing and grading reflected on the final clearing and grading plan, per Condition C.3, will be permitted as part of the public works permit. And, if the grading will be permitted as part of the public works permit, then a Zoning Permit must be obtained for the installation of tree protection and to document that the final clearing and grading plan conforms with the requirements described above.

3. The applicant shall provide a final clearing and grading plan with the permit required for the mass grading described in Condition C.2. The final clearing and grading plan must substantially conform to the Preliminary Clearing and Grading Plan approved with this decision (Exhibit C.4) with the following changes:
   - Show a specific boundary for the overall clearing and grading limits;
   - Show temporary staging and stockpile areas;
   - Grades must clearly tie into the existing grades;
   - Grading off the site is not allowed, unless the applicant can demonstrate that a construction easement has been established on the neighboring land(s);
   - Show tree protection consistent with Condition C.15 for the trees to be protected on Lots 1-9 and Lot 12; and
   - Add a note that topsoil must be stockpiled on site and re-used to the extent practicable.

Utilities

4. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for the construction of a sanitary sewer to serve the proposed development through a Public Works Permit. As part of the Public Works Permit, the applicant must provide engineered designs and performance guarantees for the sewer construction to BES prior to final plat approval.

5. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water mains to serve the proposed development.

6. The applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant(s). The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrants and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrants, with the required fire flow and pressure and spacing.

Existing Development

7. A finalized permit must be obtained for demolition of the existing residence at 14230 SE Ellis Street and capping the existing sanitary sewer connection. The site plan for the demolition permit must show all trees to be preserved and root protection zones, in accordance with the final Tree Protection Plan, per Condition C.15. All demolition work must be in conformance with the recommendations in the final arborist report required per Condition C.15. *Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.*

8. The applicant must obtain a finalized demolition permit for removing the accessory structure located on Lot 6 and a portion of the new extension of SE 142nd Place. Prior to removal of the structure, tree protection must be installed in accordance with the final Tree Protection Plan, per Condition C.15.

9. The applicant must remove the accessory structure on Lot 3. The applicant must submit before and after photos of the removal (with the same perspective). Prior to removal of the structure, tree protection must be installed in accordance with Condition D.1. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

10. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services and obtain final approval of permits for decommissioning the on-site sewage disposal systems for the two existing houses to remain (14210 and 14240 SE Ellis Street). The site plan for the permit must show all trees to be preserved and root protection zones, in accordance with the final Tree Protection Plan, per Condition C.15. Prior to the decommissioning, tree protection must be installed in accordance with Condition D.1.

11. The applicant must meet the requirements of BES for the stormwater systems on existing houses to remain (14210 and 14240 SE Ellis Street). Specifically, the gutters and downspouts 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 BES, the applicant must obtain and finalize any required plumbing permits for this work prior to final plat approval.

12. The applicant must meet the requirements of BES for the sanitary sewer service for the existing house on Lot 1, as follows: a) Demonstrate that the service lateral for the existing house is located on the lot that it serves by locating the lateral relative to the proposed property line; <u>or</u> b) Cap the existing lateral to provide future service to Lot 2 and establish a new service lateral for the existing house on Lot 1 to the sewer in SE Ellis.

Required Legal Documents

13. The applicant shall execute a Maintenance Agreement for Tract A. The agreement shall assign ownership for the tract, in conformance with 33.653.030, and maintenance responsibilities for any privately maintained area, including the Springwater Corridor buffer landscaping. The agreement must also acknowledge all easements granted within the tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies, including the stormwater detention basin. 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.

14. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lots 1-9. A copy of the approved Tree Protection Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

15. The applicant must provide a final Tree Protection Plan and updated Arborist Report that demonstrates how Tree 1 will be effectively protected without tree protection fencing in the right-of-way and within the proposed utility easement, and how Trees 1, 7, 14-17, and 19 will be protected during the decommissioning of the on-site septic systems, as well as the proposed grading and future development, to the satisfaction of BDS.

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

1. Development on Lots 1-9 and Lot 12 shall be in conformance with the final Tree Protection Plan required per Condition C.15. Specifically, Trees 1, 7, 14-17, and 19 are required to be preserved and off-site Trees 1005 and 2006 are required to be protected during new house construction, with the root protection zones indicated on the final Tree Protection Plan. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030.

2. Lots 5-6, 14-15, 18-19, 22-23, and 26-27 may only be developed with attached houses meeting the development standards of Section 33.110.240.E, or equivalent.

3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

4. Any development permits on lots that require residential sprinklers must include residential sprinkler plans for review by the Plumbing Department of the Bureau of Development Services. Please refer to the final plat approval report for details on whether or not this requirement applies.

5. Prior to issuance of permits for any new residences on the site, the applicant must obtain a Zoning Permit to install the landscape buffer required by the Springwater Corridor Standards, 33.537.130, within Tract A. The Zoning Permit must be finalized prior to occupancy of any new residences.

Procedural Information. This application was filed on August 28, 2018 and was deemed complete at the applicant's request on February 21, 2019.

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 August 28, 2018.

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 requested that the 120-day review period be extended 245 days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: February 21, 2020.**

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 recommendation of the Bureau of Development Services with input from other City and public agencies.

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

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

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of $5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of $5,000).**

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

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

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.**

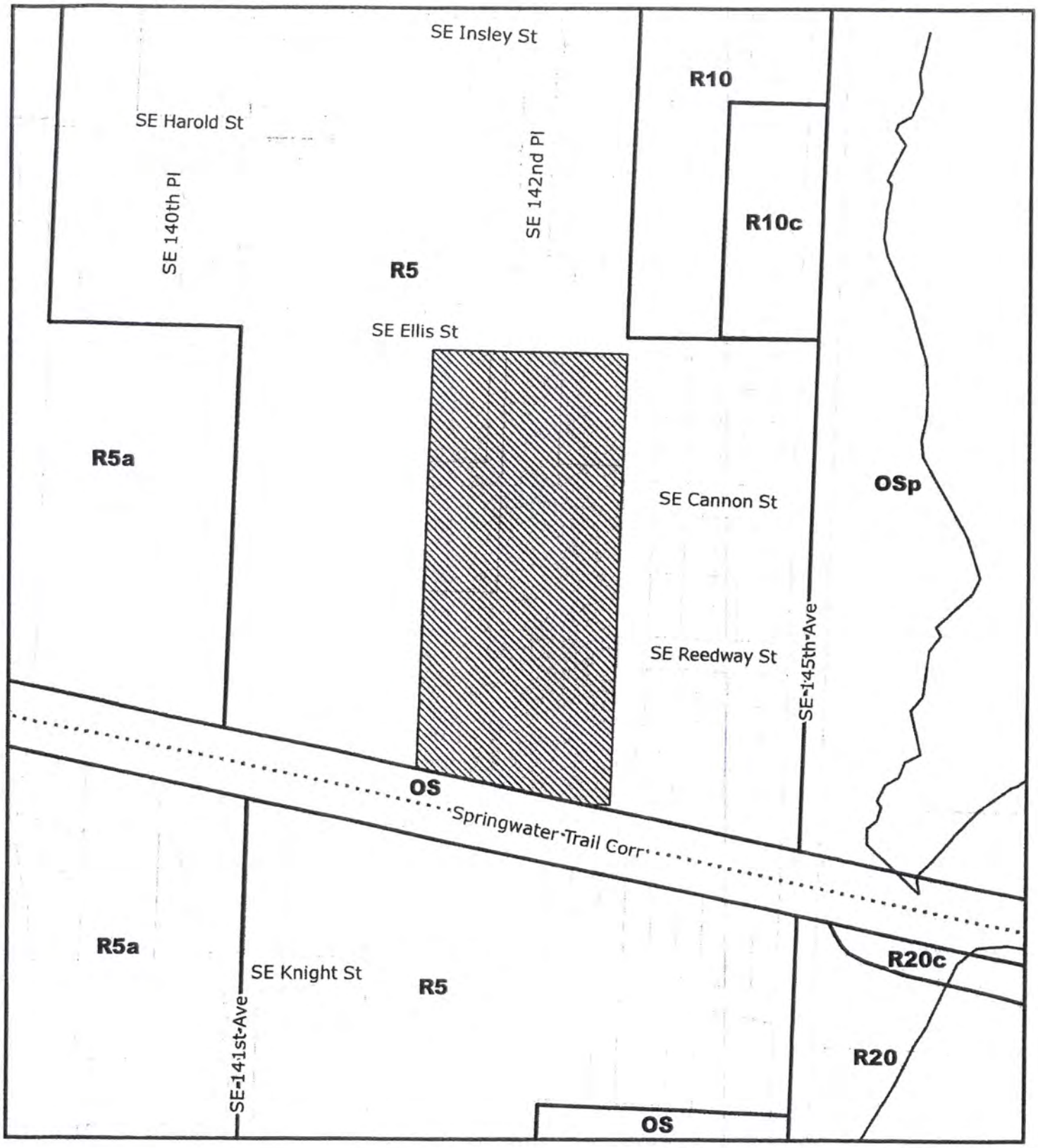
Planner's Name: Kate Green
Date: October 4, 2019

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:
   1. Initial Submittal, received August 28, 2018
   2. Revised Submittal, received February 21, 2019
   3. 120-day waiver, received February 22, 2019
   4. Amended Submittal, received July 11, 2019
   5. Arborist Addendum and revised Tree Protection Plan, received August 8, 2019
   6. Modified Submittal, received September 9, 2019
B. Zoning Map (attached):
C. Plans & Drawings: received September 10, 2019
   1. Preliminary Plan-Tentative Plat Map (attached)
   2. Existing Features Map
   3. Preliminary Street and Utility Plan
   4. Preliminary Grading and Erosion Control Plan (attached)
   5. Proposed Onsite Improvement Plan
   6. Proposed Homes/Outdoor Plan
   7. Preliminary Planting Plan
D. Notification information:
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant's statement certifying posting
   5. Mailing list
   6. Mailed notice

E. Agency Responses:
   1. Bureau of Environmental Services
   2. Portland Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development, Bureau of Development Services
   6. Urban Forestry, Parks
   7. Life Safety, Bureau of Development Services
   8. David Douglas School District
F. Letters: (none received)
G. Other:
   1. Original LUR Application
   2. Expedited Land Division Acknowledgement
   3. Letter to applicant re: incomplete application
   4. Correspondence to/from applicant
H.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

NORTH

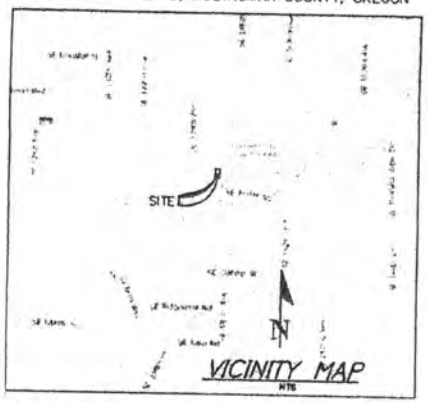
THIS SITE LIES WITHIN THE:
JOHNSON CREEK PLAN DISTRICT

Site
Stream
Recreational Trails

File No.	LU 18-228103 LDS
1/4 Section	3645
Scale	1 inch = 200 feet
State ID	1S2E13CB 4000
Exhibit	B Aug 30, 2018

SUNRISE PARK
34 LOT SUBDIVISION

LOCATED IN THE SE 1/4 OF SECTION 13, T. 1S, R. 2E W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	17.45'	11.00'	90°92'25"	N43°55'50"W 15.67'
C2	17.11'	11.00'	88°07'35"	S46°04'10"W 15.44'
C3	6.58'	137.00'	2°45'05"	S00°07'51"W 6.58'
C4	31.74'	137.00'	21°38'13"	S12°03'48"E 31.43'
C5	17.73'	137.00'	7°24'54"	S26°35'18"E 17.72'
C6	76.04'	137.00'	31°48'08"	S14°23'41"E 75.07'
C7	16.88'	89.00'	10°52'04"	N24°51'43"W 16.86'
C8	21.29'	11.00'	110°54'10"	N36°01'24"E 18.12'
C9	62.72'	113.00'	31°48'08"	S14°23'41"E 61.92'
C10	49.40'	89.00'	31°48'08"	S14°23'41"E 48.77'
C11	0.21'	89.00'	0°08'15"	S01°26'16"W 0.21'
C12	49.19'	89.00'	31°39'53"	S14°27'46"E 48.56'
C13	50.05'	137.00'	20°55'57"	N18°49'47"W 49.77'
C14	15.20'	11.00'	79°09'43"	S48°56'30"E 14.02'
C15	62.72'	113.00'	31°48'08"	N14°23'41"W 61.92'
C16	17.28'	11.00'	90°01'54"	N43°30'34"W 15.56'
C17	17.27'	11.00'	89°58'06"	S46°29'26"W 15.55'
C18	17.27'	11.00'	89°58'06"	N46°29'26"E 15.55'
C19	17.28'	11.00'	90°01'54"	S43°30'34"E 15.56'
C20	3.11'	89.00'	2°00'18"	S29°17'36"E 3.11'

ZONING INFORMATION:
R5 ZONING
MINIMUM LOT AREA: 3,000 SF
MAX LOT AREA: 8,500 SF
MAX DENSITY: 1 UNIT PER 5,000 SF
MIN LOT WIDTH: 36' WIDE
MIN LOT DEPTH: 50' DEEP
FRONT SETBACK: 10'
SIDE SETBACK: 5'
REAR SETBACK: 5'
GARAGE SETBACK: 18'

ZONING INFORMATION FOR ATTACHED LOTS:
R2.5 ZONING
COMBINED LOT AREA: 4,500 SF
MINIMUM LOT AREA: 1,600 SF
MIN LOT WIDTH: 25' WIDE
MIN LOT DEPTH: 50' DEEP
FRONT SETBACK: 10'
SIDE SETBACK: 0'
REAR SETBACK: 5'
GARAGE SETBACK: 18'

SHEET INDEX

SHEET 1	COVER SHEET & TENTATIVE PLAT MAP
SHEET 2	EXISTING FEATURES MAP
SHEET 3	PRELIMINARY STREET AND UTILITY PLAN
SHEET 4	PRELIMINARY GRADING AND EROSION CONTROL PLAN
SHEET 5	PROPOSED ONSITE IMPROVEMENTS PLAN
SHEET 6	PROPOSED HOMES/ OUTDOOR PLAN
SHEET 7	PROPOSED PLANTING LOCATION PLAN

SITE ADDRESS: 14230, 14240, 14210 SE ELLIS ST.
TAX LOT 3900, 4000, 4100, 4200, 1S, 2E, 13CB.
ZONING: R5

PROJECT AREA AND LAND USE BY PERCENTAGE

DESCRIPTION	AREA (SF)	PERCENTAGE
TOTAL SITE AREA	203,449	100.00%
TOTAL RIGHT OF WAY AREA	48,093	23.64%
TOTAL TRACT AREA	28,822	14.17%
TOTAL LOT AREA	126,534	62.19%

MAXIMUM DENSITY CALCULATIONS = TOTAL AREA TIMES 0.85 DIVIDED BY MAX DENSITY:
$\frac{(203,449 \times 0.85)}{5,000}$ = 34.56 LOTS/ROUNDED UP TO 35 LOTS

MINIMUM DENSITY CALCULATIONS = TOTAL AREA TIMES 0.68 DIVIDED BY MAX DENSITY:
$\frac{(203,449 \times 0.68)}{5,000}$ = 27.67 LOTS/ROUNDED DOWN TO 28 LOTS

NOTES
1. THESE PLANS ARE FOR PLANNING PURPOSES ONLY NOT FOR CONSTRUCTION

OWNER / DEVELOPER
CLEARWATER HOMES, LLC.
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

ENGINEER / SURVEYOR
ALL COUNTY SURVEYORS AND PLANNERS, INC.
PO BOX 955
SANDY, OR 97055
PHONE: (503) 668-3151

SHEET 1 OF 7

SCALE: HORIZ: 1" = 40' VERT: N/A
DATE: 03-11-18
FILE: 14-01-PLANNING

LEGAL
SECTION 13 TWP 1S RANGE 2E

REGISTERED PROFESSIONAL LAND SURVEYOR
ANTE N. SKORO
OREGON JULY 14, 1989
RENEWAL DATE: 12/31/18

PROJECT
SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
COVER SHEET & TENTATIVE PLAT MAP
LOCATION: 14210, 14230, 14240 SE ELLIS ST. PORTLAND, OREGON 97236

Surveyors & Planners, Inc.
Surveying, Planning and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4732
DATE OF PLOT: 03-09-18

CLIENT
CLEARWATER HOMES LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

CASE NO. 14-228103 LDS
EXHIBIT C.1

NOTES

1. THIS IS A PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.

2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES SHOWN ARE PER TAX MAP INFORMATION ONLY AND WILL VARY AFTER A FINAL BOUNDARY SURVEY IS RECORDED WITH THE COUNTY SURVEYOR.

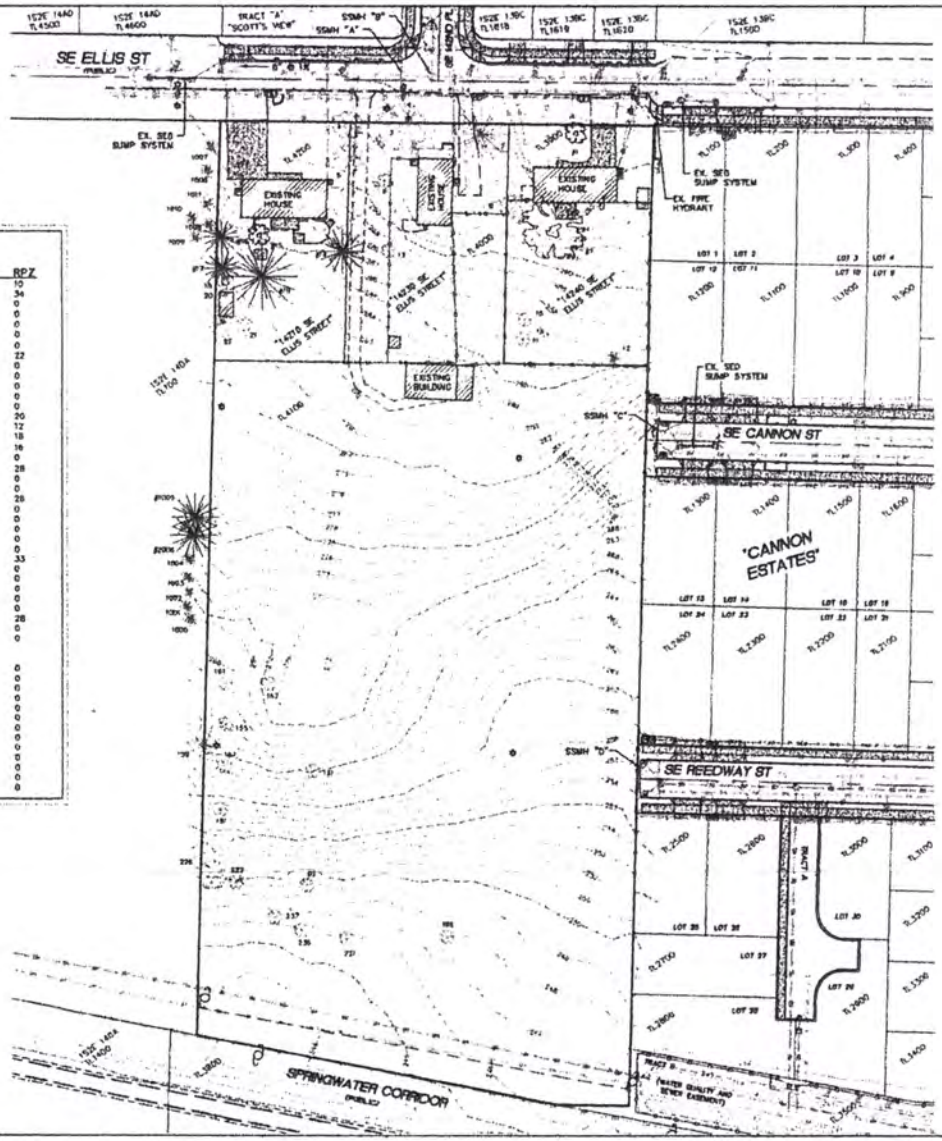
3. EASEMENTS MAY EXIST ON SITE. A FULL TITLE REPORT WILL NEED TO BE PROVIDED TO THE SURVEYOR PRIOR TO DETERMINING EASEMENTS.

4. UTILITIES SHOWN ARE PER ABOVE THE GROUND APPURTENANCES TIED IN FEBRUARY 2018. UNDERGROUND UTILITIES SHOWN ARE BASED ON LOCATE TICKET NUMBER 18024896. UNDERGROUND INFORMATION WAS ALSO FOUND ON THE N.W. NATURAL WEBSITE AND PORTLANDMAPS.COM.

5. ELEVATIONS ARE BASED ON CITY OF PORTLAND DATUM FROM BENCH MARK NO. 1280. ELEVATION = 233.64', LOCATED AT THE NE INTERSECTION OF SE 128TH AND HAROLD ST.

TREE TABLE

NO.	SPECIES	10DH	REMARKS	RPZ
1	GURRLY WILLOW	14	VIABLE; DEAD BRANCHES	10
2	DOUGLAS FIR	32	VIABLE	34
3	ENGLISH WALNUT	27	TERMINAL DECLINE	0
4	ENGLISH WALNUT	24	TERMINAL DECLINE	0
5	NORWAY MAPLE	19	NUISANCE SPECIES	0
6	YELLOW CEDAR	6	VIABLE; WEEPING VARIETY	0
6	SCOULER WILLOW	8	MULTIPLE STUMP SUCKERS<12"	0
7	SYCAMORE	37	MINOR DECAY AT OLD TEAR-OUT	22
8	EUROPEAN BIRCH	13	TERMINAL DECLINE; NUISANCE SPECIES	0
10	FIG	5	FRUIT TREE	0
11	SWEET CHERRY	7	NUISANCE SPECIES	0
12	YELLOW CEDAR	9	VIABLE; WEEPING VARIETY	0
13	ENGLISH HOLLY	21	NUISANCE SPECIES	0
14	SITKA SPRUCE	30	VIABLE	20
15	SWEET GUM	18	VIABLE	12
16	WESTERN REDCEDAR	28	VIABLE	18
17	WESTERN REDCEDAR	23	CODOMINANT @ 40'	16
18	NORWAY MAPLE	22	NUISANCE SPECIES	0
19	WESTERN HEMLOCK	44	CODOMINANT STEMS @ 4'	28
20	INCENSE CEDAR	12	MECHANICAL DAMAGE TO TRUNK	0
21	LINDEN	37	CODOMINANT; DEAD STEM	0
22	DOUGLAS FIR	40	VIABLE	28
82	SWEET CHERRY	13	NUISANCE SPECIES	0
131	APPLE	22	TRUNK DECAY	0
151	ENGLISH HAWTHORN	12	NUISANCE SPECIES	0
155	DEAD	20	DEAD	0
157	APPLE	17	HOLLOW; TRUNK DECAY	0
158	DOUGLAS FIR	50	VIABLE; ON PROPERTY LINE	33
161	APPLE	16	TRUNK DECAY	0
162	APPLE	16	TRUNK AND BASAL DECAY	0
180	FILBERT	12	FALLEN OVER; MULTIPLE STUMP SUCKERS	0
221	SWEET CHERRY	14	NUISANCE SPECIES	0
222	SWEET CHERRY	18	NUISANCE SPECIES	0
226	BIGLEAF MAPLE	43	VIABLE; LARGE DEAD BRANCHES	28
236	SWEET CHERRY	12	NUISANCE SPECIES	0
237	ELDERBERRY	12	SHRUB SPECIES	0
OFFSITE TREES				
1000	LOMBARDY POPLAR	18	DEAD; SIZE ESTIMATED	0
1001	LOMBARDY POPLAR	18	DEAD; SIZE ESTIMATED	0
1002	LOMBARDY POPLAR	18	DEAD; SIZE ESTIMATED	0
1003	LOMBARDY POPLAR	18	DEAD; SIZE ESTIMATED	0
1004	LOMBARDY POPLAR	18	DEAD; SIZE ESTIMATED	0
1005	DOUGLAS FIR	58	SIZE ESTIMATED	0
2006	DOUGLAS FIR	48	SIZE ESTIMATED	0
1006	LOMBARDY POPLAR	34	TRUNK DECAY; HAZARDOUS;	0
1007	LOMBARDY POPLAR	40	TRUNK DECAY; HAZARDOUS;	0
1008	LOMBARDY POPLAR	12	DEAD; HAZARDOUS;	0
1009	LOMBARDY POPLAR	8	DEAD; HAZARDOUS;	0
1010	LOMBARDY POPLAR	10	DEAD; HAZARDOUS;	0
1011	LOMBARDY POPLAR	13	DEAD; HAZARDOUS;	0



SANITARY MANHOLES

SSMH "A"
SANITARY SEWER MANHOLE
RIM: 285.33'
IE IN(8"E): 280.25'
IE OUT(8"W) 280.23'

SSMH "B"
SANITARY SEWER MANHOLE
RIM: 285.58'
IE IN(8"N): 280.85'
IE IN(6"E): 280.85'
IE OUT(8"W): 280.82'

SSMH "C"
SANITARY SEWER MANHOLE
RIM: 275.06'
IE OUT(8"W) 268.38'

SSMH "D"
SANITARY SEWER MANHOLE
RIM: 256.23'
IE OUT(8"E) 250.86'

LEGEND

- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- EXISTING EDGE OF PAVEMENT
- EXISTING CATCH BASIN
- EXISTING PROPERTY LINE
- EXISTING OVERHEAD POWER LINE
- EXISTING GAS LINE
- EXISTING WATER SEWER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING UNDERGROUND POWER
- EXISTING COMMUNICATIONS LINE
- CENTER LINE
- EXISTING TREES
- EXISTING FENCE
- EXISTING GROUND CONTOUR
- EXISTING UTILITY POLE W/ LIGHT
- EXISTING TELEPHONE RISER
- EXISTING UTILITY VAULT/ TRANSFORMER
- EXISTING UTILITY RISER
- EXISTING GAS METER
- EXISTING POWER METER
- EXISTING MAILBOX
- EXISTING SIGN
- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING GRAVEL

Est. 1990

SCALE = 1" = 40'
0 20' 40' 80'

SHEET 2 OF 7

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 14, 1995
RAY L. MOORE
RENEWAL DATE: 12/31/18

SCALE: VERT: N/A HORIZ: 1" = 40'
DATE: 07-03-19
FILE: 18-22-PLANNING.dwg

LEGAL		
SECTION	TWP.	RANGE
13	1S	2E

PROJECT: TOPOGRAPHIC SURVEY FOR A PROPOSED 34 LOT SUBDIVISION
EXISTING FEATURES MAP

LOCATION: 14242, 14240 SE ELLIS ST. PORTLAND, OREGON 97236

Surveyors & Planners, Inc.
Surveying, Planning and Consulting Services
P.O. Box 815 Sandy, OR 97055
Phone: (503) 668-3131
Fax: (503) 668-4130
DATE OF PLOT: 10-26-18

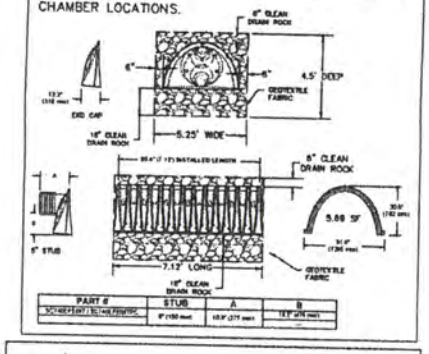
CLIENT: CLEARWATER HOMES, LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

CASE NO. 18-228-103 LDS
EXHIBIT C.2

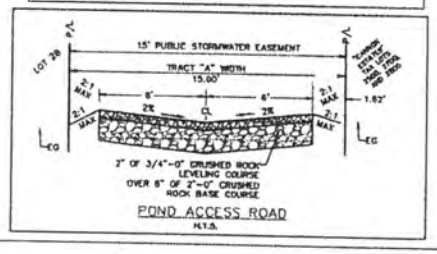
NOTES:
1. THIS IS A PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.

NOTE: SEE SHEET 5 FOR ONSITE INFILTRATION CHAMBER LOCATIONS.

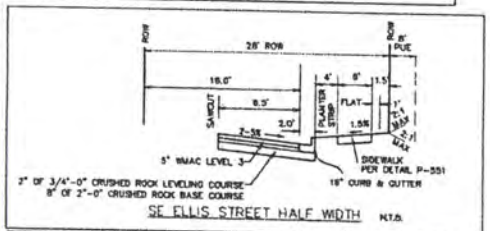
PRIVATE STORMWATER MANAGEMENT
SC-740 ROOF INFILTRATOR DETAILS
N.T.S.



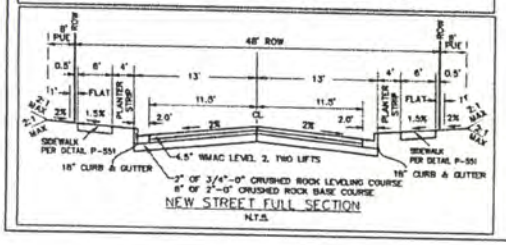
PART #	STUB	A	B
SC740PRFBRT/SC740PRFBRTPC	8" (150 mm)	63.3" (275 mm)	137" (274 mm)



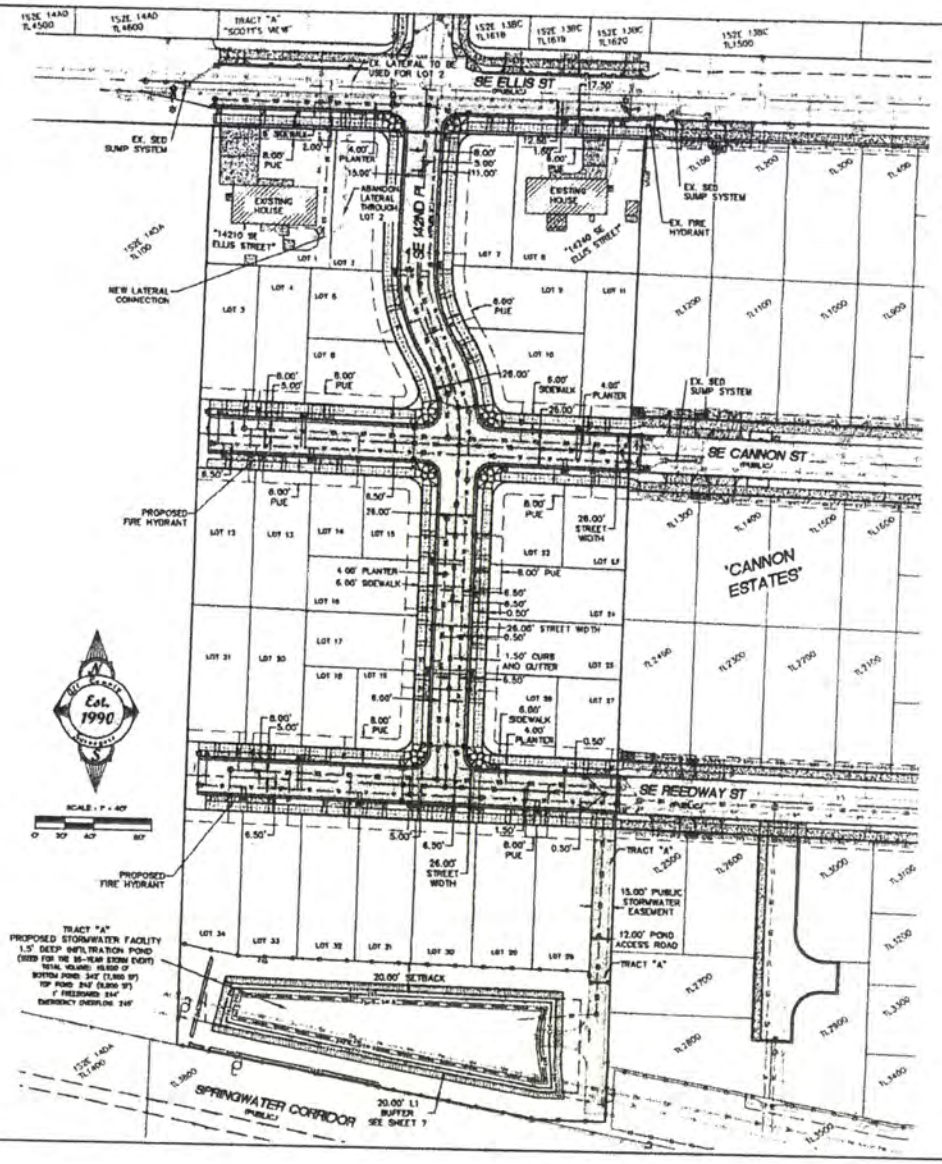
POND ACCESS ROAD
N.T.S.



SE ELLIS STREET HALF WIDTH
N.T.S.



NEW STREET FULL SECTION
N.T.S.



LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED SAWCUT LINE
- PROPOSED PAVEMENT
- PROPOSED WATER SERVICE
- PROPOSED WATER VALVE
- PROPOSED BLOW OFF VALVE
- PROPOSED CONTOUR
- PROPOSED WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED SANITARY MANHOLE
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN

SHEET 3 OF 7

SCALE: HORZ: 1" = 30' VERT: N/A
DATE: 07-03-18
FILE: 16-101-PLANNING.dwg
LEGAL: SECTION 13 TWP 1S RANGE 2E

PROJECT: SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
PRELIMINARY STREET AND UTILITY PLAN

LOCATION: 14210, 14240, 14240 SE ELLIS ST. PORTLAND, OREGON 97236

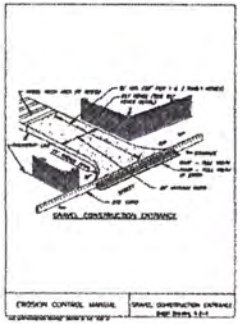
Surveyors & Planners, Inc.
Surveying, Planning and Civil Engineering
P.O. Box 688 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-3152
DATE OF PLAT: 09-09-19

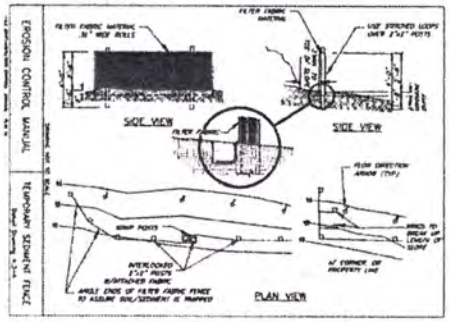
CLIENT: CLEARWATER HOMES, LLC
ANTE SKORO
PO BOX 2883
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

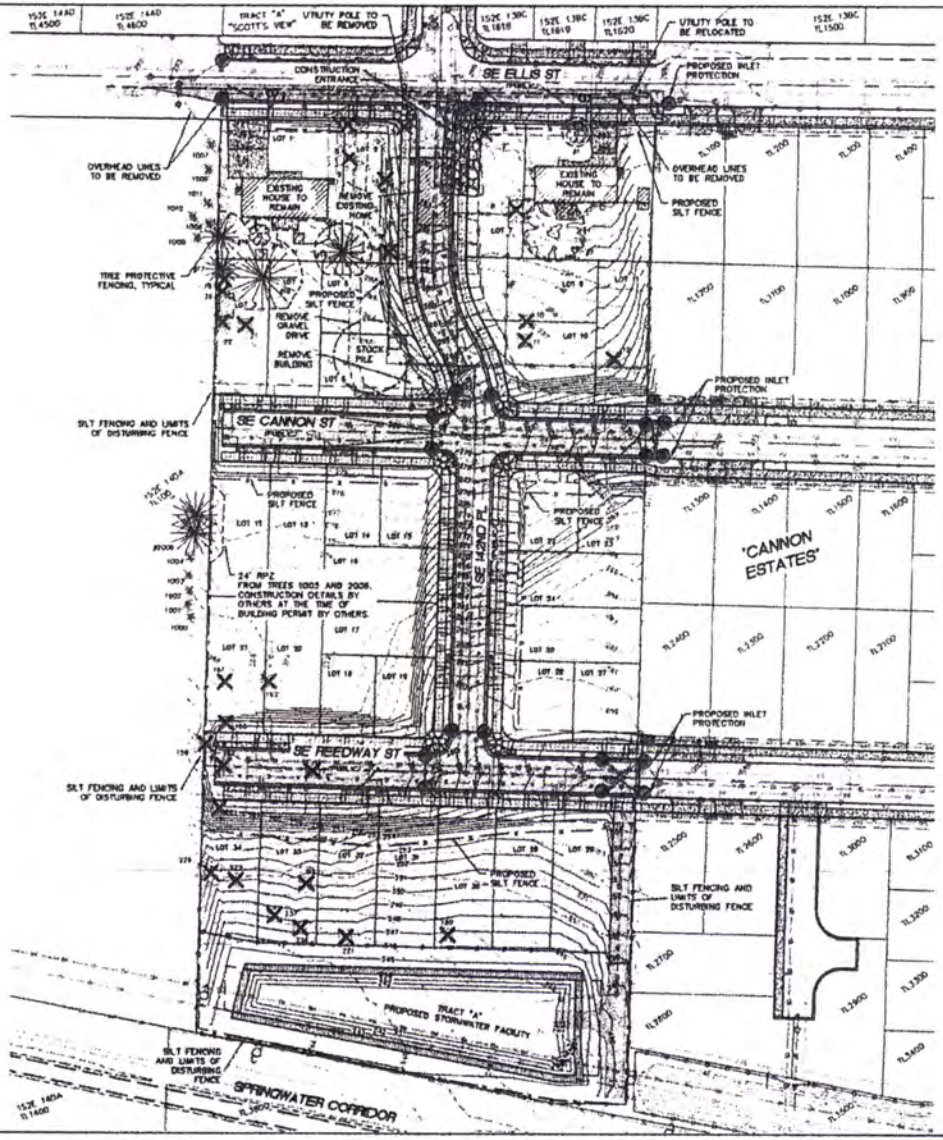
CASE NO. 18-289103 LDS
EXHIBIT C.3

NOTES:

1. PLAN IS A PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY. NOT FOR CONSTRUCTION.







NOTE: GRADING EXTENTS SHOWN ON THIS PLAN ARE FOR PUBLIC IMPROVEMENTS ONLY. IT IS UNKNOWN AT THIS TIME HOW THE INDIVIDUAL LOTS WILL BE GRADED. A SEPARATE GRADING AND EROSION CONTROL PLAN MAY BE NECESSARY PRIOR TO HOME CONSTRUCTION.

SHEET 4 OF 7

SCALE: VERT: N/A HORIZ: 1" = 30'
DATE: 05-17-18
FILE: 14-120-PLANNING

LEGAL		
SECTION	TWP	RANGE
13	1S	2E

PROJECT: SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
PRELIMINARY GRADING AND EROSION CONTROL PLAN

LOCATION: 14210, 14230, 14240 SE ELLIS ST, PORTLAND, OREGON 97236

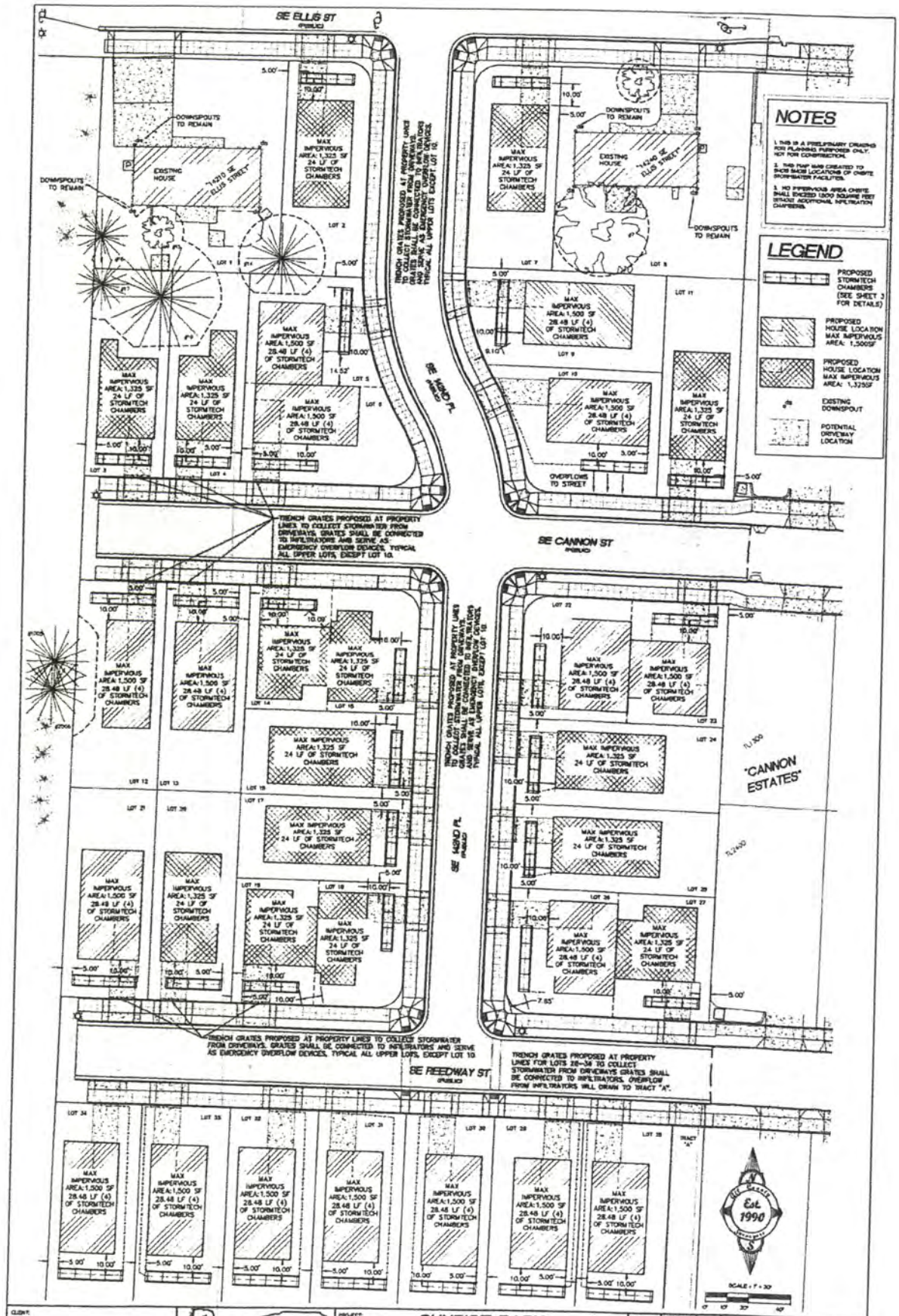
Surveyors & Planners, Inc.
Surveying, Planning and Consulting
P.O. Box 815 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4230
DATE OF PLOT: 02-05-19

OWNER:
CLEARWATER HOMES, LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

Est. 1990

SCALE: 1" = 40'
0 20 40 80

CASE NO. 18-288103LDS
EXHIBIT C.4



CLIENT:
CLEARWATER HOMES, LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

Surveyors & Planners, Inc.
Surveying, Planning and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
DATE OF PLOT: 09-09-19

PROJECT:
SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
PROPOSED ONSITE IMPROVEMENTS PLAN

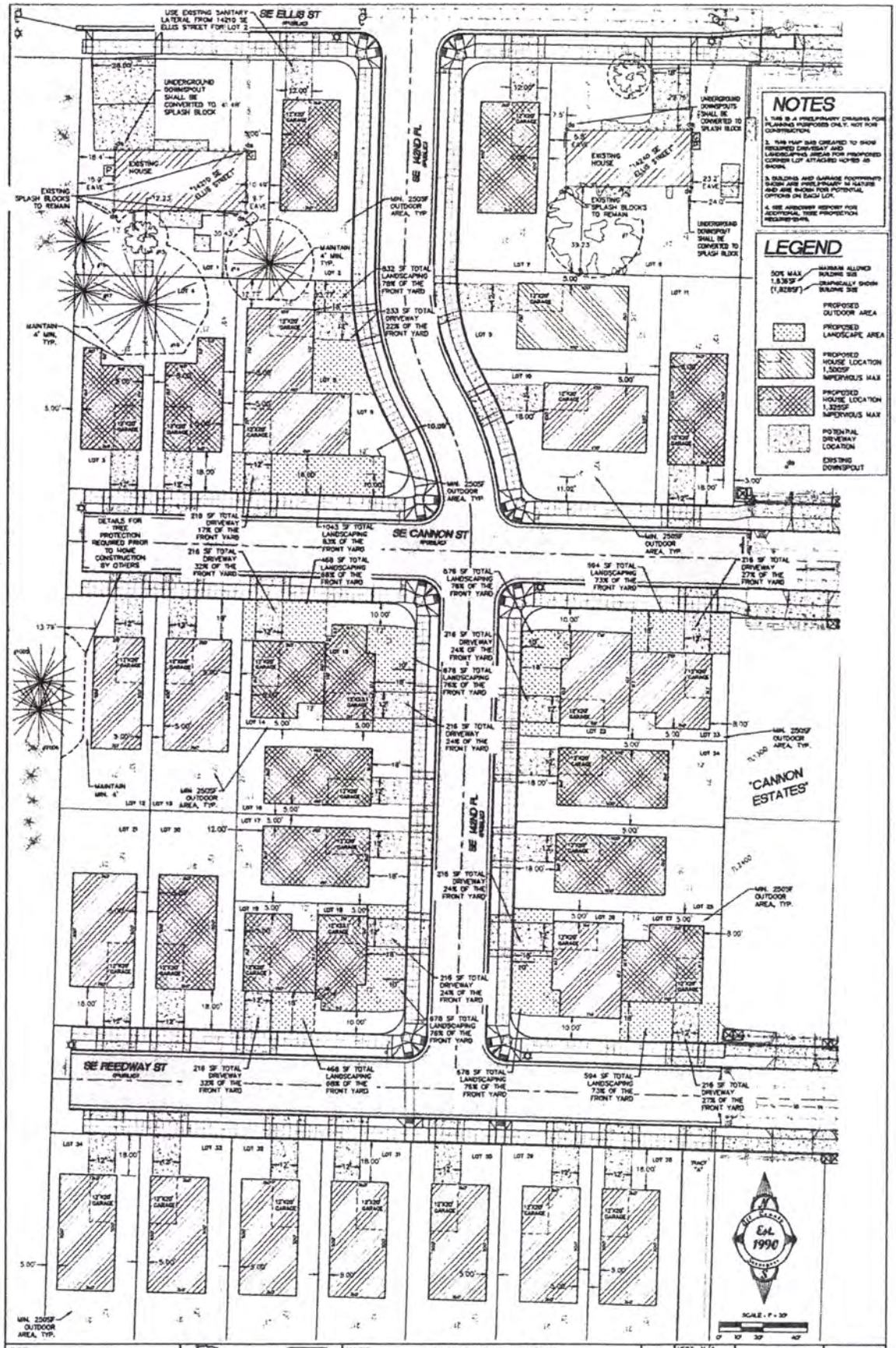
LOCATION: 14210, 14230, 14240 SE ELLIS ST. PORTLAND, OREGON 97236

SCALE	VERT: N/A HORIZ: 1" = 40'
DATE: 07-03-19	
FILE: 16-021-PLANNING.dwg	

LEGAL		
SECTION	TWP.	RANGE
13	1S	2E

SHEET 5 of 7

CASE NO. 1P-288-113 LDS
EXHIBIT C.5



CLIENT:
CLEARWATER HOMES, LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 287-3852

Surveyors & Planners, Inc.
Surveying, Planning and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
DATE OF PLOT: 09-09-19

PROJECT:
SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
PROPOSED HOMES/ OUTDOOR PLAN

LOCATION: 14210, 14230, 14240 SE ELLIS ST. PORTLAND, OREGON 97236

SCALE	VERT: N/A HORIZ: 1" = 40'
DATE: 07-03-19	
FILE: 18-021-PLANNING.dwg	

LEGAL		
SECTION	TWP.	RANGE
13	1S	2E

REGISTERED PROFESSIONAL ENGINEER
RAY L. MOORE
RENEWAL DATE 12/31/2020

SHEET 6 OF 7

CASE NO. 18-288103LDS
EXHIBIT C.6

NOTES:
1. THIS IS A PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY, NOT FOR CONSTRUCTION.

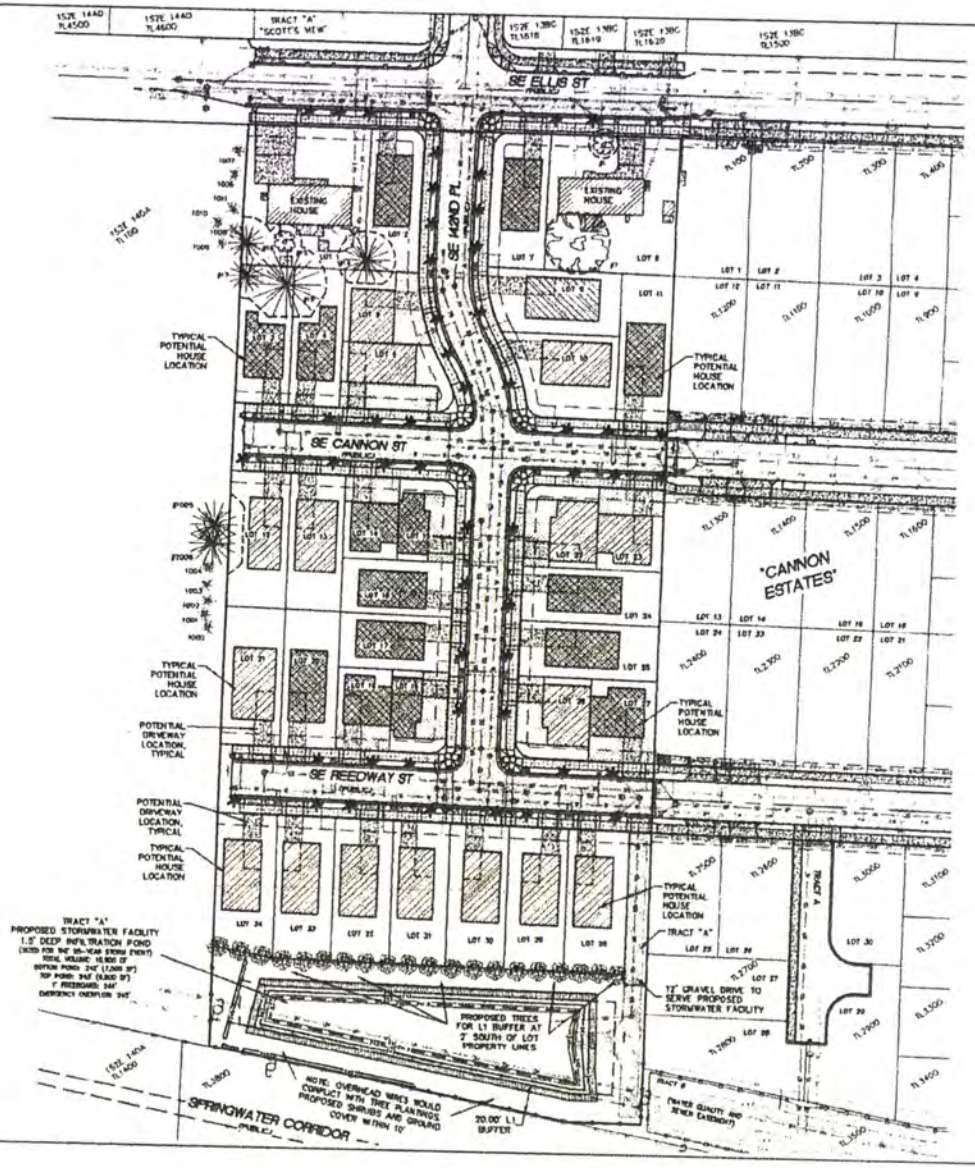
LEGEND

- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED STREET TREE
- PROPOSED SMALL TREE

NOTE:
THIS PLAN IS PRELIMINARY IN NATURE TO SHOW LOCATIONS OF REQUIRED TREE PLANTINGS. A FINAL LANDSCAPE PLAN WILL BE SUBMITTED WITH TREE SPECIES, SIZES, ETC. AT THE TIME OF FINAL ENGINEERING.

Est. 1990

SCALE - 1" = 40'



SHEET 7 OF 7

SCALE: VERT: N/A HORIZ: 1" = 30'
DATE: 07-03-19
FILE: 18-201-PLANNING.dwg

SECTION	TWP.	RANGE
13	1S	2E

LEGAL

PROJECT: SUNRISE PARK
PROPOSED 34 LOT SUBDIVISION
PRELIMINARY PLANTING
LOCATION PLAN

LOCATION: 142ND, 142ND SE ELLIS ST. PORTLAND, OREGON 97236

Surveyors & Planners, Inc.
Surveying, Planning and Civil Engineering
P.O. Box 1155 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4230

DATE OF PLOT: 08-09-19

CLIENT: CLEARWATER HOMES LLC
ANTE SKORO
PO BOX 2885
CLACKAMAS, OR 97015
PHONE: (503) 267-3852

CASE NO. 18-288103 LDS
EXHIBIT C-7