



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

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**Date:** December 20, 2019  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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**NOTICE OF A TYPE IIx DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 19-167435 LDP AD**

**GENERAL INFORMATION**

**Applicant/Owner:** Slavik Dezhnyuk / Dez Development LLC  
10117 SE Sunnyside Road #F1123  
Clackamas OR 97015-7708

**Representative:** Danelle Isenhardt / Emerio Design  
6445 SW Fallbrook Place #100  
Beaverton OR 97008  
503-746-8812 / [danelle@emeriodesign.com](mailto:danelle@emeriodesign.com)

**Site Address:** 10027 SE Harold Street  
**Legal Description:** BLOCK 6 LOT 11&12, CHAP-EL HTS  
**Tax Account No.:** R149800770  
**State ID No.:** 1S2E16AD 12000  
**Quarter Section:** 3540, 3640

**Neighborhood:** Lents at [lentsneighborhood@gmail.com](mailto:lentsneighborhood@gmail.com)  
**Business District:** Lents Grown Business Association / [lentsgrown@gmail.com](mailto:lentsgrown@gmail.com)  
Midway / [info@midwaybusiness.org](mailto: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:** 100-year floodplain

**Case Type:** Land Division-Partition (LDP)  
Adjustment (AD)  
**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer

**Proposal:** The applicant proposes a **Land Division-Partition** to divide an approximately 10,391 square foot property into 2 parcels; one standard parcel (Parcel 2) and a flag lot (Parcel 1). A 4-foot right-of-way dedication is also provided along the SE Harold frontage. Parcel 2 and a portion of Parcel 1 are shown to be within the 100-year floodplain.

The existing house and detached garage are proposed to remain on Parcel 2. Given the proposed lot layout, the existing house will be setback between 2 feet to 3 feet from the property line along the flag pole, instead of the required 5 feet; so, the applicant also requests an **Adjustment** to allow for a reduction in the side building setback. Additionally, a No-Build Easement is proposed along the flag pole adjacent to the house. Also, to address the change to the garage entrance setback, given the right-of-way dedication, the applicant indicates the garage on Parcel 2 will be modified to meet the required 18-foot garage entrance setback.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area. Additionally, an Adjustment is required and must be processed concurrently with the land division (see 33.660.110 and 33.730.042).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land (2 parcels). Therefore, this land division is considered a partition.

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

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

## FACTS

**Site and Vicinity:** The subject site is an approximately 10,391 square foot, rectangular property located on the north side of SE Harold Street. The site has a relatively minor 5-percent slope rising from the south to the north. An existing single story house and detached garage are situated on the south side of the site, and the balance of the site is a yard enclosed with a fence. There are no trees on the site.

The neighboring properties within 500 feet are in the same R5 zone as the site, and most are developed with one or two-story houses on lots ranging in size from 5,000 to 10,000 square feet. Several flag lots are within one to two blocks of the subject site.

Nearby community features include Lents Elementary School and Bloomington Park approximately 1,000 feet to the north. Additionally, the subject site is within the floodplain of Johnson Creek, which is located approximately ½-mile to the south.

### Infrastructure:

- **Streets** – The site has approximately 80 feet of frontage on SE Harold Street. There are 2 driveways entering the site. At this location, SE Harold Street is classified in the Transportation System Plan as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway and Local Service Freight Street. The right-of-way for SE Harold Street is currently 60-feet wide, containing a 44-foot paved roadway with 8-foot curb tight sidewalk corridors on both sides. Tri-Met provides transit service on SE Harold Street via Bus Line 10.
- **Water Service** – There is an existing 12-inch water main in SE Harold Street. The existing house is served by a 5/8-inch metered service from this main.

- **Sanitary Service** - There is an existing public 12-inch concrete (CSP) sanitary-only sewer in SE Harold Street (BES as-built #4320).
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Public underground injection control (UIC) systems (“sumps”) infiltrate stormwater runoff from the public right-of-way in the vicinity of the site. Stormwater from private development cannot be discharged to public UICs.

**Zoning:** The site is 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 boundaries of the **Johnson Creek Basin Plan District**. The purpose of the plan district is 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:** 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 Proposal in Your Neighborhood” was mailed **November 12, 2019**. No written responses have been received.

## 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.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition.
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.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	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.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

**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 R5 zone. Based on the applicant’s survey, the site area is 10,391 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. However, the area of the site within the flood hazard area (approximately 5,688 square feet) is subtracted when calculating minimum density, therefore the minimum density is based on 4,701 square feet.

The site has a maximum density of 2 units and a minimum required density of 1 unit. The applicant is proposing 2 single dwelling parcels, so the density standards are met.

The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)	Min. Flag Lot Width (feet)	Min. Flag Lot Depth (feet)
<b>R5 Zone</b>	3,000	8,500	36	50	30	40	40
Parcel 1 (flag lot)	5,120 (flag only)** 5,921 (total site area)		—	—	—	80	64
Parcel 2 (existing house)	4,413		67	61	67	—	—

\* 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.

\*\* For flag lots: (1) width and depth are measured at the midpoint of the opposite lot lines in the "flag" portion of the lot; and (2) lot area calculations do not include the pole portion of the lot.

The applicant is proposing Parcel 1 to be configured as a flag lot. Flag lots are allowed in limited circumstances and must meet specific regulations as outlined in Zoning Code section 33.610.400, which are addressed below.

*When allowed:* The applicant is proposing 2 parcels, one of which is a flag lot; the existing dwelling has been on the property for at least 5-years and is located so that it precludes a land division that meets minimum lot width standards; and the minimum density standards are met.

*Dimensions:* The proposed flag lot meets applicable Zoning Code standards found in 33.610.400.C, D and E because it has a 12-foot wide “pole” that connects to a street, and, as shown in the table above, the flag lot meets the minimum lot area, width and depth standards.

*Vehicle Access:* Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. A shared vehicle access minimizes the need for additional curb-cuts along the street and the impervious area resulting from paved surfaces for vehicle access. Factors that may be considered include the location of

existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation.

In this case, there are already two driveways serving the site; one provides access to a detached garage on the east side of proposed Parcel 2, and the other is in the general location of the pole proposed for Parcel 1. Though the applicant will be required to make modifications to the existing garage and/or driveway access to the garage, as discussed in Criterion K, below, these existing factors do not readily lend themselves to a single shared driveway, so a shared vehicle access will not be required.

Based on these factors, Parcel 1 has met the thresholds for when a flag lot is allowed.

The findings above show that the applicable density and lot dimension standards are met. However, as discussed in Criterion C, below, some changes to the lot boundaries will be needed to satisfy the Flood Hazard criteria. Therefore, in the event those changes exceed the variations allowed outright at the time of final plat, a condition will be applied that allows for minor lot dimension variations beyond the lot width and depth and area standards of 33.663.200.A.2-3 for the purposes of addressing the flood hazard requirements. With the application of this condition, the density and lot dimension standards will continue to be met. Therefore, this criterion is met.

**C. Flood Hazard Area. If any portion of the site is within the flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.**

**Findings:** Portions of this site are within the flood hazard area. The approval criteria in the RF through R2.5 zones state that where possible, all lots must be located outside of the flood hazard area. Where it is not possible to have all lots outside of the flood hazard area, all proposed building areas must be outside of the flood hazard area. In addition, services in the flood hazard area must be located and built to minimize or eliminate flood damage to the services, and the floodway must be entirely within a flood hazard tract.

Due to the configuration of the site and the location of the existing development, it is not possible to have all the lots outside of the flood hazard area. The Preliminary Site/Utility Plan (Exhibit C.4) shows the majority of proposed Parcel 1 will be outside of the flood hazard area, and a conceptual building area is shown nearly entirely outside of the flood hazard area, except for a portion along the south side of the parcel. To ensure the entirety of the potential building area for Parcel 1 is outside of the flood hazard area, the south lot line of Parcel 1, behind the existing house on Parcel 2, must be shifted to the north, so the entire potential building area is beyond the minimum 10-foot setback, prior to final plat approval. With the application of the condition to allow for lot depth, width, and area variations, as discussed in Criterion A, above, this can be accomplished.

Parcel 2 is developed with the existing house and detached garage and the entirety of the parcel is within the flood hazard area. No buildings are proposed within the parcel.

Utility service connection will pass through the flood hazard area, so those utilities must be constructed in accordance with the assembly requirements for flood hazard areas, at the time of development, as noted in the Water response.

The site within the Johnson Creek Basin Plan District, so the floodplain standards in the plan district also apply. In this case, the applicable standards relate to tree removal and impervious surface requirements that are further addressed in the Development Standard section, below. The site is not within the Johnson Creek Flood Risk Area and the floodway does not extend onto the site, so no flood hazard tract is required.

Based on the foregoing and with the noted condition, this criterion will be met.

Additionally, as outlined in the response from Site Development (Exhibit E.5), both properties will be subject to the regulations in City Title 24.50 Flood Hazard Areas, at the time of future development or redevelopment.

**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 primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. There are no trees on the site that require tree protection fencing; however, to afford protection of large diameter tree (35-inch Silver Maple) on the property to the west, the applicant has proposed to install tree protection fencing and to have the project arborist onsite during any construction within the pole of Parcel 1. With the implementation of those measures, impacts to offsite trees will be tempered, and 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. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. As noted in the Site Development response (Exhibit E.5), the garage appears to be located over the cesspool. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development for the decommissioning of this facility or a waiver in lieu of decommissioning. With a condition regarding decommissioning, 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:** No tracts are proposed or required. A No-Build Easement is proposed to address Building Code Appeal requirements related to the location of the existing house on Parcel 2 relative to the new property line along the proposed flag pole on Parcel 1. This easement is also discussed in the Adjustment findings, below, and in the Life Safety response (Exhibit E.7). At this time the final legal documents for the Building Code Appeal ID 20813 are still pending, so a condition will be applied, which requires that the No-Build Easement must be recorded and shown on the plat to the satisfaction of Life Safety, prior to final plat approval. With the implementation of this condition, this criterion will be met.

**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):

**Safety:** *There is a paved roadway surface for vehicular traffic, striped bicycle lanes, and curb tight sidewalks for pedestrian travel along the site's SE Harold St. frontage. Based on data available from PBOT's database of Portland Traffic Deaths and Injuries since 2007, there has been one accident and zero fatalities on this block of SE Harold St. The injury was to a cyclist. Between I-205 and SE 104<sup>th</sup> Ave, there have been four injury accidents and no fatalities since 2007. Of the four injury accidents, one was the previously mentioned injury to a person cycling and the other three were serious injuries to people in vehicles. SE Harold St. is not mapped as a high crash corridor.*

*The current configuration of SE Harold St. requires pedestrians to walk adjacent to the curb. Streets where sidewalks are separated from the roadway provide an additional level of protection and comfort for pedestrian travel. The addition of one single family lot to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not to full City standard will have an incremental negative impact.*

*The existing driveway accesses the attached garage via SE Harold St. without forward motion egress. The driveway will be retained, and the garage modified to meet the garage entrance setback after the dedication. Retention of the backing motion for the existing detached garage was approved in Driveway Design Exception 19-193829-TR. Any redevelopment of the site, including further renovation, demolition of the existing garage, or the construction of a replacement dwelling, would need to provide forward motion ingress and egress for proposed Parcel 2. Any new driveways/curb cuts will be reviewed as part of the building permit for development on proposed Parcel 1 and must meet all of the requirements of Title 17 including forward motion ingress and egress.*

**Street capacity:** *SE Harold St. has a 44-foot paved roadway surface which accommodates two-way vehicle travel with striped bicycle lanes and on-street parking. SE Harold St. also has 8-foot wide paved curb tight sidewalks.*

*We do not have traffic count data for cyclists or pedestrians. We do have vehicular traffic count data from 4-2-18 at SE Harold St. and SE 97<sup>th</sup> Ave. The average daily total vehicle trips was 5,436. The addition of one single family home is anticipated to generate an additional 10 vehicle trips a day on average. This represents an increase of 0.002%. Street capacity on SE Harold St. is adequate for vehicles and bicycles. Adding additional pedestrian trips to an area where pedestrian facilities are not to full City standard will have an incremental negative impact.*

**Level of service:** *This is a term used to describe vehicular traffic; it currently has little to no meaning for other modes. Vehicular traffic count data is available for SE Harold St. at the intersection with SE 97<sup>th</sup> Ave west of the site. As of April 2, 2018, 5,346 trips were generated on an average weekday, with 453 of these trips during the AM peak hour and 419 of these trips during the PM peak hour. The anticipated increase of 10 trips per day will have a de minimus impact on the vehicular traffic level of service.*

*SE Harold St. is a street for which traffic count and speed data is available. SE Harold St. has a posted speed limit of 30 miles per hour. On 4-2-2018, speed data were taken at the intersection with SE 97<sup>th</sup> Ave. East bound, the 50<sup>th</sup> percentile speed was 29 miles per hour and the 90<sup>th</sup> percentile speed was 35 miles per hour. Approximately 42.5% of the vehicles were able to exceed the posted speed limit by an average of 1.7%. West bound, the 50<sup>th</sup> percentile speed was 27 miles per hour and the 90<sup>th</sup> percentile speed was 34 miles per hour. Approximately 29.0% of the vehicles were able to exceed the posted speed limit by an average of 0.8%. For unsignalized intersections, speed is often a good measure of whether or not a street is operating at an adequate level of service. The ability of the majority of vehicles to travel at the posted speed in both directions leads staff to assert the level of service of SE Harold St. is adequate to absorb the additional 10 trips per day that are anticipated to be generated by the proposed land division.*

**Availability of pedestrian and bicycle networks:** Multiple streets in the area are designated in the Transportation System Plan (TSP) as City Bikeways including SE Harold St, SE Steel St., SE 92<sup>nd</sup> Ave. and SE 101<sup>st</sup>/SE 104<sup>th</sup> Ave. Of these designated routes, only SE Harold St. has painted bicycle lanes. SE Steele and SE 101<sup>st</sup> are marked with sharrow and are lower speed, lower volume roadway. SE Steele leads to a bicycle and pedestrian only overcrossing of Interstate 205. (I-205) Bicycles must share travel lanes with autos on some routes however, the grid of interconnected, paved local service roadways provide multiple lower speed, lower stress routes for cyclists to choose from in addition to the striped bicycle lanes on SE Harold St.

Throughout the area between I-205 and SE 104<sup>th</sup> Ave, most block faces have sidewalks. Many of these sidewalks are curb tight, which does not meet City standards.

The existing garage on proposed Parcel 2 is being retained. With the dedication of 4-feet of land to provide sidewalk meeting current city standards, the garage door will be close enough to the ROW that a car could not park in front of the door without blocking the sidewalk. The applicant is proposing modification to the existing garage door to meet the 18-foot garage door setback and maintain a useable sidewalk at this location.

**On street parking impacts:** On street parking is available on both sides of SE Harold St. There appears to be little demand for on-street parking on this segment. Most of the homes along the streets in the immediate area include driveways and garages that accommodate multiple vehicles. Each primary dwelling unit is anticipated to produce demand for 2 vehicle parking spaces. The existing house contains a two-car garage which is proposed for retention. The applicant's narrative states the proposed new home will have on-site parking. It is anticipated there will be little impact to on-street parking from the addition of a single lot.

**Access restrictions:** Vehicle access to both parcels will be provided via SE Harold St. which is a collector. The existing detached garage on Parcel 2 allows vehicles to exit the site in a rearward motion, which does not meet current PBOT standards. The applicant was granted a Driveway Design Exception in 19-193829-TR to allow continued use of the existing driveway with rearward motion. Any new home proposed on Parcel 1 will be required to demonstrate forward motion ingress and egress at the time of building permit.

**Neighborhood impacts:** The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. Both lots are proposed to have on-site vehicle parking. Additional pedestrian trips will have an incremental negative impact, however it is anticipated there will be few overall impacts to the neighborhood from the additional two lots.

**Impacts on pedestrian, bicycle, and transit circulation:** Transit service is available on SE Harold St. with the closest stop being approximately one block to the east of the subject site. TriMet service line 10 provides service between Lents Town Center and the City Center. Transfer points to multiple other bus, MAX, and Streetcar routes exist along this line. The addition of a single residential lot to the neighborhood is not anticipated to have a substantial impact on transit ridership or circulation in the vicinity.

Additional bicycle trips may be generated by the additional residential lot. The existing striped bike lane on SE Harold St, and designated bicycle routes on other lower speed/lower streets roadways in the area should be adequate to absorb the additional bicycle traffic generated by one new lot.

The addition of one single family lot to the neighborhood is anticipated to increase pedestrian trips. Adding additional pedestrian trips to an area where pedestrian facilities are not to full City standard will have an incremental negative impact.

PBOT determined that the proposal will be capable of supporting the proposed development in addition to the existing uses in the area and will contribute to a safe and comfortable pedestrian system along the site’s frontage on SE Harold Street, with the implementation of the right-of-way dedication and standard sidewalk improvements discussed in more detail in Criterion L (33.654), and with modifications to the existing garage to ensure the minimum garage entrance setback is met. With those noted conditions, this criterion will be 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:

<p><b>33.651 Water Service standard – See Exhibit E.3</b></p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. However, the Fire Bureau has noted that fire flow information must be provided to assure adequate pressure is available to serve the proposed development. Therefore, a condition will be applied that the applicant must provide fire flow information to the satisfaction of the Fire Bureau, prior to final plat approval. With the implementation of this condition, the water service standards of 33.651 will be verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1</b></p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards – See Exhibit E.1</b></p> <p>No stormwater tract is proposed or required. BES has reviewed the proposal and provided the following comments:</p> <p><i>Staff reviewed the project’s Simplified Approach Form (5/01/19) that describes Simplified Approach infiltration test results of 8 inches per hour on this site.</i></p> <p><i><u>Parcel 1:</u> The applicant proposes to infiltrate runoff from the new development on Parcel 1 onsite via a drywell that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM. The submitted site plan also shows a proposed gravel strip to manage stormwater for the driveway. During building permit review, the applicant may be required to submit an updated Simplified Approach Form showing the filter strip is sized adequately to manage stormwater for the driveway.</i></p> <p><i><u>Parcel 2:</u> The applicant is proposing to decommission the existing drywells and retrofit the system to direct stormwater from downspouts to splashblocks. The applicant will be required to retrofit the stormwater facilities for the existing structures on Parcel 2 according to SWMM standards, with all required permits finalized, prior to final plat approval.</i></p> <p><i><u>Public Right-of-Way:</u> PBOT requires new sidewalk construction in a pedestrian corridor where a curb and paved street already exist. Constructing the sidewalk so that it slopes toward a vegetated area and/or planting street trees will be a viable alternative to constructing stormwater management facilities.</i></p> <p>With the implementation of the conditions to retrofit the stormwater management system for the existing house, prior to final plat approval, this criterion will be met.</p>
<p><b>33.654.110.B.1 Through streets and pedestrian connections</b></p> <p>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</p>

connections should generally be at least 200 feet apart.

The block on which the subject property is located meets the noted spacing requirements, and is reflected as such in the *Master Street Plan for the Far SE District* (map 3640). Therefore, no through connection is warranted at this site. For these reasons, this criterion is met.

**33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2**

In reviewing this land division, PBOT relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

PBOT has indicated a 4-foot dedication is needed to ensure the sidewalk corridor along the frontage is improved to provide the standard configuration of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone.

Additionally, PBOT notes the following regarding the design of the driveways along the frontage of each parcel:

*Parcel 1: Any new driveways/curb cuts will be reviewed as part of the building permit for development on Tract 2 and must meet all of the requirements of Title 17.28. Forward motion ingress and egress will be required.*

*Parcel 2: The existing driveway accesses the attached garage via SE Harold St. without forward motion egress. The driveway will be retained, and the garage modified to meet the garage entrance setback after the dedication. Retention of the backing motion was approved in Driveway Design Exception 19-193829-TR. Any redevelopment of the site, including further renovation or the construction of a replacement dwelling, would need to provide forward motion ingress and egress.*

Based on the foregoing, with the application of the conditions described above, the width of the right-of-way and sidewalk improvements will be sufficient to accommodate the expected users and this criterion will be met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. Therefore, this criterion is met.

**ADJUSTMENT REVIEW**

**33.805.010 Purpose of Adjustment Reviews**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.

Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

**33.805.040 Adjustment Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

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

**Findings:** In order to leave the existing house in its current configuration and location, the applicant requests an Adjustment to allow the setback between the existing house and the proposed lot line along the pole of the flag lot to be reduced to 2 feet for the building wall and to zero for the eave.

The purpose statement for the setback standards in the single-dwelling zones is as follows (33.110.220.A):

*The setback regulations for buildings and garage entrances serve several purposes:*

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

A 12-foot wide pole will provide vehicular access to the flag lot (Parcel 1); and a No-Build Easement will be placed over a portion of the pole, to meet building code requirements (per a Building Code Appeal ID 20813). Therefore, the existing house will continue to be at least 12 feet from other nearest neighboring property to the west. This will help to maintain light, air, separation for fire protection and firefighting access, retain privacy and a reasonable physical relationship between neighboring properties, and maintain the existing open front yard conditions. Additionally, the design and configuration of the existing house is comparable to the form and scale of other nearby homes, and will continue to reflect the general placement of houses in the area.

Based on these factors, the proposal will equally meet the purpose of the setback regulations. Accordingly, this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** For the reasons discussed in the findings for Criterion A, the proposal is not expected to significantly detract from the livability or appearance of the residential area, since livability factors related to light, air, separation and firefighting access will be maintained and the appearance of the residential area will remain virtually unchanged with the retention of the existing house in its current location. As such, this criterion is met.

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

**Findings:** Only one adjustment is requested, so this criterion does not apply.

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

**Findings:** There are no designated scenic or historic resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** The requested Adjustment to the side setback along the new flag pole is not expected to create any discernible impacts that would warrant mitigation. Therefore, this criterion is met.

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

**Findings:** The site is not within an environmental zone, so this criterion is not applicable.

## 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:

- Flag Lots: Special setback standards apply to flag lots in the RF-R2.5 zone, and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones (33.110.240.F). Building coverage is based on the flag portion only. These standards apply to Parcel 1.
- Johnson Creek Basin Plan District-Floodplain Standard (33.537.150): The tree removal and impervious surface standards of the plan district will apply to at the time of development on Parcel 1 and, as discussed below, must be met prior to final plat approval on Parcel 2.

**Existing Development:** The existing development on the site will remain and be located on Parcel 2. 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 structures 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.

In this case, given a 4-foot right-of-way dedication along SE Harold Street and the proposed flag lot configuration, the property where the existing house and garage are to remain (Parcel 2) will have new lot lines to the south (front), west (side) and north (rear).

With these changes, as shown on the preliminary plans (Exhibit C.1), the existing house will continue to meet the 10-foot front and 5-foot rear setbacks from the new lot lines. However, the side (west) setback for the house will be less than the required 5 feet and the applicant has requested a reduction to that setback, as discussed in the Adjustment findings, above.

The property changes will also result in the garage entrance being 13 feet from the new front lot line, instead of the required 18 feet. Also, as discussed in Criterion K, and the PBOT comments, to avoid conflicts between parked cars and pedestrians, the applicant must modify the garage, so the minimum 18-foot setback is met. Alternatively, the applicant must obtain a permit to remove the garage and provide parking that complies with the parking standards (33.266.120) and PBOT requirements for forward ingress and egress.

Additionally, a covered area behind the existing garage would cross over one of the proposed lot lines, which is not allowed. The project plans indicate the covered area will be removed (Exhibit C.4) and the remaining portion of the garage will meet the required 5-foot setback. The applicant will be required to obtain and finalize a building permit to modify the existing garage to ensure no structures cross over the proposed property lines.

To ensure the setback standards or any approved Adjustments to the setbacks continue 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.

- **Impervious surface:** The structures and impervious area to remain on Parcel 2 must meet the impervious surface standards of the Johnson Creek Basin Plan District-Floodplain Standards (33.537.150). This standard requires that no more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface. The project plans show portions of the paving and garage are to be removed from Parcel 2 (Exhibit C.3), but no specific impervious area calculations are provided. Therefore, to ensure the impervious surface standards are met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the amount of impervious surface to remain on Parcel 2 meets this standard. If changes must be made to other impervious area on the site to meet this standard, then those changes must also be documented via a finalized permit, and may be included with the permit for the modifications to the garage noted above.

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

## **OTHER TECHNICAL REQUIREMENTS**

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

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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: The applicant must meet the requirements of the Fire Bureau for fire apparatus access and access roads, fire flow/water supply, addressing of structures, aerial fire department access roads, and sprinkler permitting requirements. These requirements are based on the 2016 Portland Fire Code and the 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. This requirement is based on the standards of Title 11.

## CONCLUSIONS

The applicant has proposed a 2 parcel Land Division-Partition, as shown on the attached preliminary plan (Exhibit C.1) and requested a side setback Adjustment, as shown on the attached building elevations (Exhibit C.2). As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. The primary issues identified with this proposal are:

- Right-of-way dedication and frontage improvements on SE Harold Street
- No-build Easement and tree protection on Parcel 1
- Modifications to the existing garage, other impervious area, and stormwater facilities on Parcel 2
- Fire Bureau requirements

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

## ADMINISTRATIVE DECISION

**Approval** of an Adjustment to reduce the side (west) building setback to 2 feet for the building wall and zero feet for the eaves for the existing house on Parcel 2, and

**Approval** of a Preliminary Plan for a 2-parcel partition, that will result in one standard lot (Parcel 2) and one flag lot (Parcel 1),

These approval are granted for the proposal as illustrated with Exhibits C.1 - C.3, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use, Fire Bureau and Life Safety review and approval. 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;
  - 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 Harold Street. The required right-of-way dedication must be shown on the final plat.
  2. A No-Build Easement must be shown over Parcel 1 to the satisfaction of the Life Safety Section of BDS.

3. The south lot line of Parcel 1, behind the existing house on Parcel 2, must be shifted to the north so the entire potential building area is beyond the minimum 10-foot setback outside of the flood hazard area. Minor lot dimension variations beyond the lot width and depth and area standards of 33.663.200.A.2-3 will be allowed for the purposes of addressing this flood hazard condition.

**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 frontage. The applicant must obtain an approved right-of-way permit from the Portland Bureau of Transportation to install the required sidewalk corridor along the frontage of Parcel 2, where the existing house will be retained; and the applicant must obtain an approved permit for the installation of street trees to the satisfaction of Urban Forestry.

**Utilities**

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal. An Acknowledgement of Special Land Use Conditions must be referenced on and recorded with the final plat, if an exception or appeal is applied.
3. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire apparatus access for Parcel 1. The applicant must provide verification to the Fire Bureau that Appendix D of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal. The applicant will be required to install residential sprinklers in the new house on Parcel 1, and an Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat, if an exception or appeal is applied.

**Existing Development**

4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.
5. The applicant must obtain a permit to modify the existing garage, onsite parking, and impervious area on Parcel 2 to meet one of the following:
  - a. Obtain a finalized building permit for modifications to the existing garage and other impervious area that will remain on proposed Parcel 2 to demonstrate compliance with the 18-foot garage entrance setback standard (33.110.220) in relation to the proposed new front lot line resulting from the required right-of-way dedication on SE Harold Street and with the 5-foot rear building setback from the proposed rear lot line for Parcel 2 and with the impervious surface standards (33.537.150); or
  - b. The applicant must obtain a finalized building permit for the demolition of the garage and demonstrate that any onsite parking on Parcel 2 complies with the parking standards (33.266.120) and with the impervious surface standards (33.537.150) and provides forward motion ingress and egress to the satisfaction of BDS and PBOT.

The permit plans must include the note: *This permit fulfills requirements of Condition C.5 of LU 19-167435 LDP AD.*

6. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 2. 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 finalized plumbing permits for this work prior to final plat approval.

#### **Required Legal Documents**

7. The recording documents for the No-Build Easement, required per Condition B.2, must be completed to the satisfaction of the Life Safety Section of BDS.

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

1. Development on Parcel 1 shall be conducted in accordance with tree protection measures, including tree protection fencing and onsite arborist supervision during construction within the flag pole, as noted on the Preliminary Grading and Erosion Control Plan (Exhibit C.3) to protect the off-site 35-inch diameter Silver Maple on the property to the west (10021 SE Harold Street). Tree protection fencing 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. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the frontage of Parcel 1.
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. If required per Conditions C.2 or C.3, the applicant must install residential sprinklers in the new dwelling unit on Parcel 1 and meet the sprinkler permitting requirements to the satisfaction of the Fire Bureau. Please refer to the final plat approval report for details on whether or not this requirement applies.

**Staff Planner: Kate Green**

**Decision rendered by:**  **on December 17, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed December 20, 2019**

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

**Procedural Information.** The application for this land use review was submitted on May 20, 2019 and was determined to be complete on November 6, 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 May 20, 2019.

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 did not waive or

extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 5, 2019.**

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

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 3, 2020** at 1900 SW Fourth Avenue. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.ci.portland.or.us](http://www.ci.portland.or.us) .

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

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

**Recording concurrent approvals.** If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 3, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

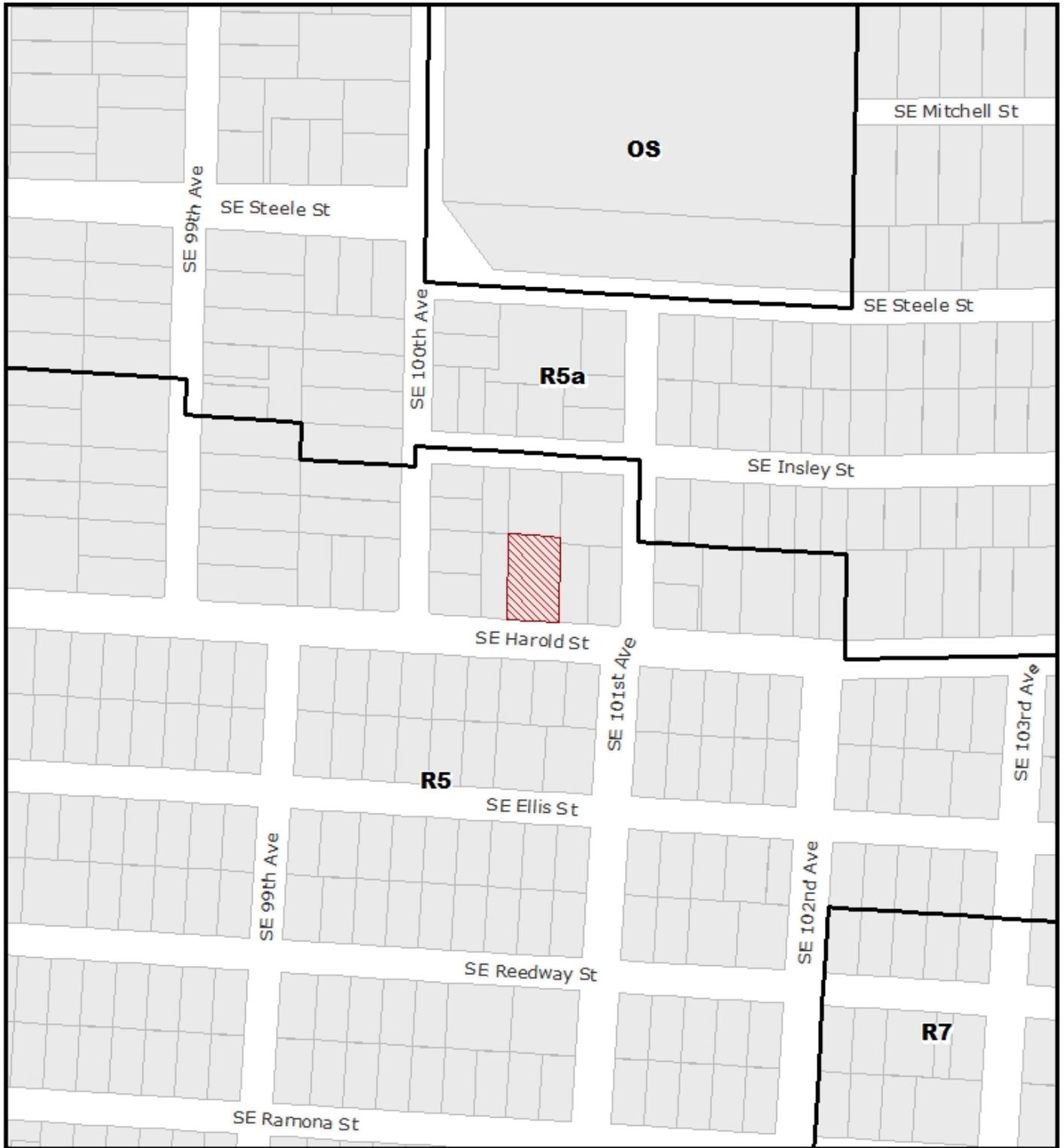
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

## **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submittal, May 20, 2019
  - 2. Revised Submittal, October 11, 2019
  - 3. Amended Submittal, November 6, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plat-reduced (attached)
  - 2. Building Elevations-existing house and garage-reduced (attached)
  - 3. Preliminary Grading and Erosion Control Plan-reduced (attached)
  - 4. Existing Conditions-reduced
  - 5. Preliminary Site/Utility Plan-reduced
  - 6. Full Plan Set-full sized
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS
  - 6. Urban Forestry/Parks
  - 7. Life Safety/BDS
- F. Correspondence: [none received]
- G. Other:
  - 1. Original LU Application
  - 2. Expedited Land Division Acknowledgement
  - 3. Incomplete Letter
  - 4. Correspondence to/from applicant

**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

File No.	<u>LU 19-167435 LDP AD</u>
1/4 Section	<u>3540,3640</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E16AD 12000</u>
Exhibit	<u>B May 22, 2019</u>

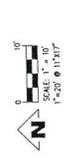
10027 SE HAROLD STREET  
 2-LOT PARTITION  
 TAX MAP T1S R2E 164D  
 PORTLAND, OREGON

PRELIMINARY PLAT

NO.	DATE	DESCRIPTION

**EMERIO**  
*Design*  
 6445 SW FULLERTON PLACE, SUITE 100  
 PORTLAND, OREGON 97206  
 TEL: (503) 248-8812  
 FAX: (503) 248-8822  
 www.emeriodesign.com

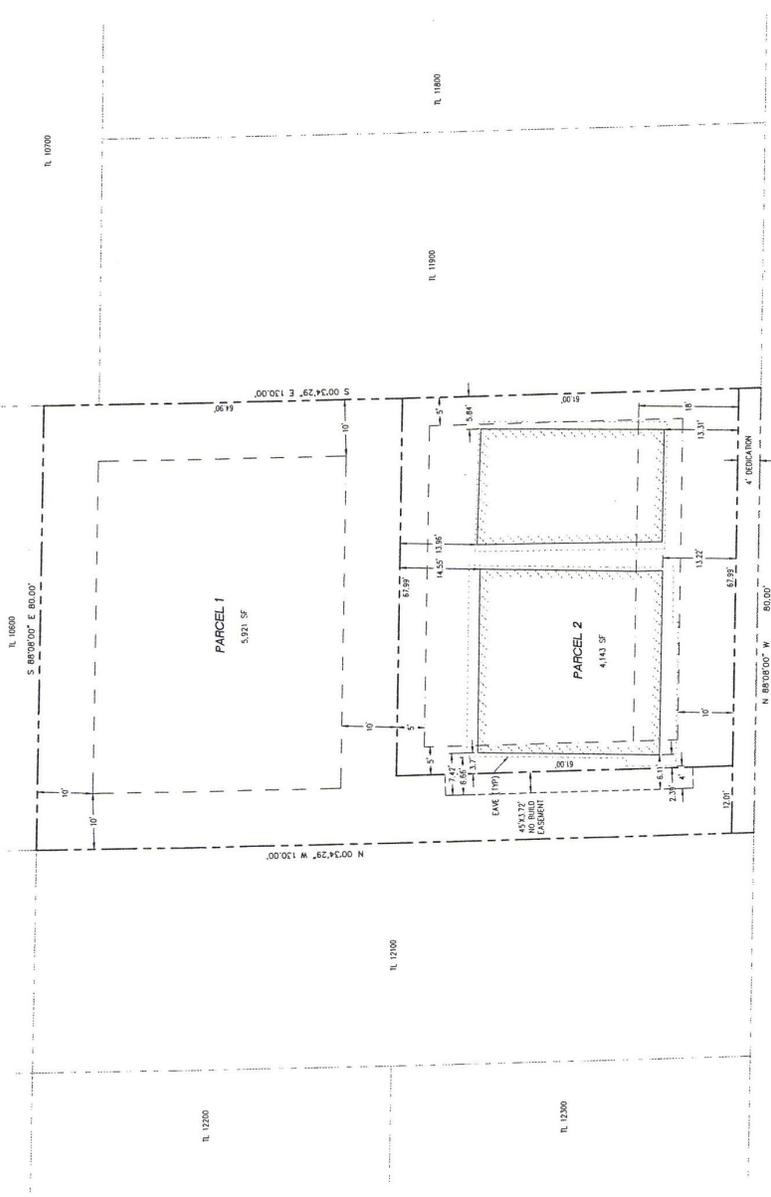
SHEET  
 3  
 5



**LEGEND**

- PROPERTY LINE
- ADJACENT/ADJOINING LOT LINE
- CENTER LINE DIM.
- SET BACK LINE

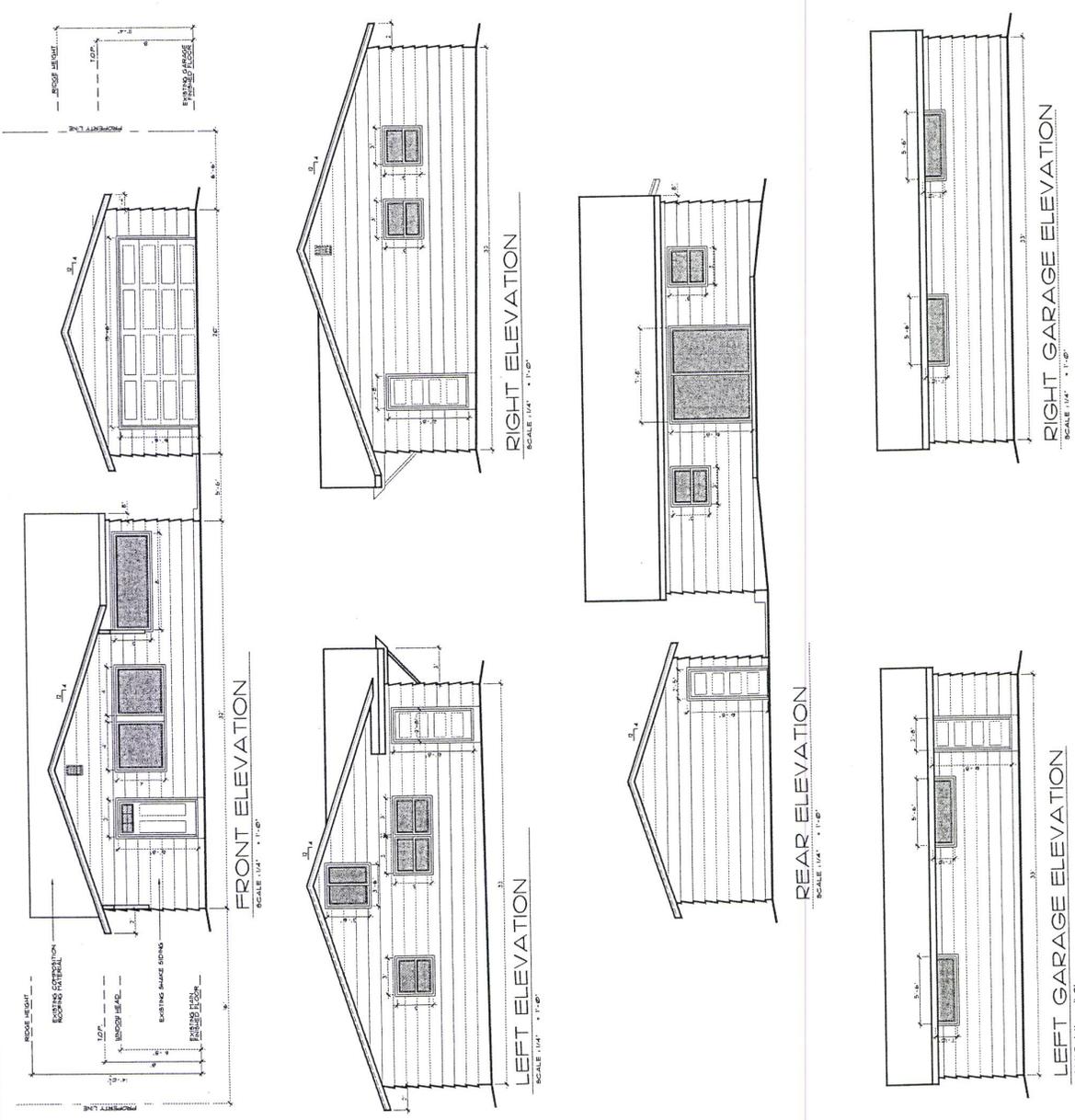
**ZONE**  
 R5  
**SETBACKS**  
 FRONT: 10 FT.  
 GARAGE: 18 FT.  
 REAR: 5 FT.  
 SIDE: 5 FT.



SE HAROLD STREET

19-167435  
 Exhibit C.1

DRAWING TITLE <b>ELEVATIONS</b> 1027 SE HAROLD STREET CITY OF PORTLAND, OREGON		DRAWING NUMBER <b>A1</b>	
DRAWING NO. 19-167435-001		DRAWING REVISION	
NO.	DATE	COMMENT	
1			
2			
3			
4			
5			
6			
7			
8			
9			
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11			
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13			



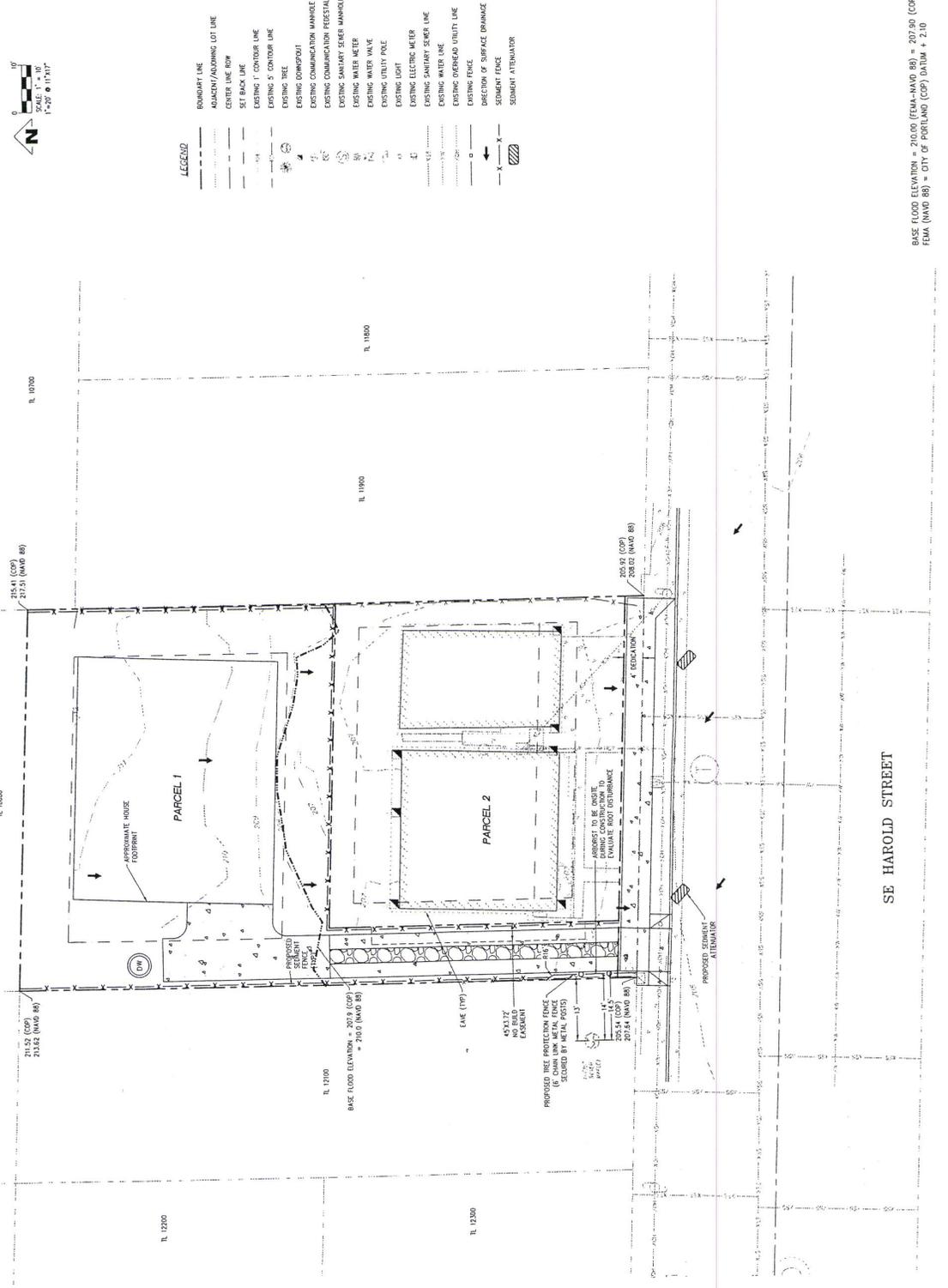
19.167435  
Exhibit C.2

10027 SE HAROLD STREET  
 2-LOT PARTITION  
 TAX MAP T1S R2E 164D  
 TAX LOT 12000  
 PORTLAND, OREGON

PRELIMINARY GRADING &  
 EROSION CONTROL PLAN

**EMERIO**  
*Design*  
 6445 SW TILBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-4810  
 FAX: (503) 639-9928  
 WWW.EMERIODESIGN.COM

SHEET 5 OF 5



BASE FLOOD ELEVATION = 210.00 (FEMA-NAVD 88) = 207.90 (COP)  
 FEMA (NAVD 88) = CITY OF PORTLAND (COP) DATUM + 2.10

19-16743E  
 Exhibit C.3