

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto:bds@portlandoregon.gov) 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered - Reconsideration of ID 22103

|                                                                               |                                                                                        |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Appeal ID:</b> 22144                                                       | <b>Project Address:</b> 5543 NE Killingsworth St, Lot 5                                |
| <b>Hearing Date:</b> 11/20/19                                                 | <b>Appellant Name:</b> Slavik Dezhnyuk                                                 |
| <b>Case No.:</b> P-001                                                        | <b>Appellant Phone:</b> 503-209-7561                                                   |
| <b>Appeal Type:</b> Plumbing                                                  | <b>Plans Examiner/Inspector:</b> Jim Bechtel, McKenzie James, Joe Blanco, Jessica Ruch |
| <b>Project Type:</b> residential                                              | <b>Stories:</b> 2 <b>Occupancy:</b> Residential <b>Construction Type:</b> Other        |
| <b>Building/Business Name:</b>                                                | <b>Fire Sprinklers:</b> No                                                             |
| <b>Appeal Involves:</b> Erection of a new structure, other: 6-lot subdivision | <b>LUR or Permit Application No.:</b> Appeal ID 22103                                  |
| <b>Plan Submitted Option:</b> pdf [File 1] [File 2]                           | <b>Proposed use:</b> Single-family dwelling                                            |

### APPEAL INFORMATION SHEET

#### Appeal item 1

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>Code Section</b> | Oregon Plumbing Specialty Code - Chapter 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Requires</b>     | <p>Oregon Plumbing Specialty Code – Chapter 7</p> <p>B. Easement width. The easement for a private sewer must be at least 10 feet wide. However, the easement may be reduced to 5 feet wide if the sewer line will be installed, and can be repaired without conventional open trench excavation within any portion of the easement area that is less than 10 feet wide.</p> <p>17.33.030 Sewer Connection Mandated.</p> <p>A. Applicability. Properties having development that generates or may generate sanitary waste must decommission onsite sewage disposal systems and connect to the public sewer when:</p> <p>The development is not completely connected to a public sewer system;</p> <p>A public sewer is immediately available without the need for further sewer extension; and</p> <p>A sewer branch has been provided to curb closest to the property line or property line.</p> <p>ENB-4.18 - Mandatory Sewer Connection Program –</p> <p>Applicability</p> <p>Properties are required to connect to the City’s Sanitary Sewer system when both of the following criteria are met:</p> <p>A. Property Conditions. There is an onsite structure with plumbing facilities that require sanitary waste disposal in order to comply with State Plumbing Code or the Portland City Code (PCC). In the absence of onsite inspections by BES or documentation demonstrating otherwise to BES’ satisfaction, BES will consider that a property requires sanitary waste disposal if the property receives water service from the City, another water provider or a private well.</p> <p>B. Available Public Sewer. A public sewer is deemed immediately available when the subject</p> |

property has direct access via an approved route of service to a public sewer branch or lateral at an adjacent curb line, property line, or at the boundary of a permanent easement acquired for the benefit of the property. Sewer availability is not dependent on the provision of gravity service to the property.

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#### Proposed Design

For the construction of and any maintenance and repair to the proposed new sanitary lateral for Lot 5, the applicant is proposing to dig a conventional trench within the proposed 5' x 58' easement on Lot 3 by placing the excavator on Lot 5 or on NE 55th Avenue and reaching into the 5' x 58' easement. A 5' wide easement is proposed adjacent to this easement for the benefit of Parcel 6. The construction of both laterals can be done in the 10' total width of the easements. The excavation will be done vertically as possible and will minimize soil disturbances and shoring. Any maintenance for the sanitary line can be done in the 5' x 58' wide easement on Lot 3.

#### RECONSIDERATION TEXT

For the construction of and any maintenance and repair to the proposed new sanitary lateral for Lot 5, the applicant is proposing to hand dig or bore within the proposed 5' x 58' easement on Lot 3. A 5' wide easement is proposed adjacent to this easement for the benefit of Parcel 6. The construction of both laterals can be done in the 10' total width of the easements. If hand excavation will be done vertically as possible and will minimize soil disturbances and shoring. Any maintenance for the sanitary line can be done in the 5' x 58' wide easement on Lot 3 through boring or hand digging.

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**Reason for alternative** Lot 5 does not have access to a public sanitary line in the NE Killingsworth Street right-of-way (lot frontage). The existing sanitary line is west of the property in NE 55th Avenue. The proposed 5' x 58' easement provides access to the sanitary main for Lot 5. A 10' x 58' easement would not change how the construction and/or repair of the sanitary lateral would be completed.

#### RECONSIDERATION TEXT

Lot 5 does not have access to a public sanitary line in the NE Killingsworth Street right-of-way (lot frontage). The existing sanitary line is west of the property in NE 55th Avenue. The proposed 5' x 58' easement provides access to the sanitary main for Lot 5. A 10' x 58' easement would not change how the construction and/or repair of the sanitary lateral would be completed as construction will be done by boring or hand digging.

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## APPEAL DECISION

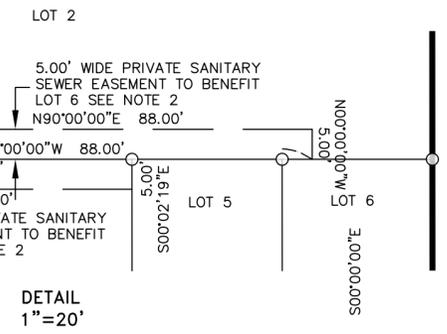
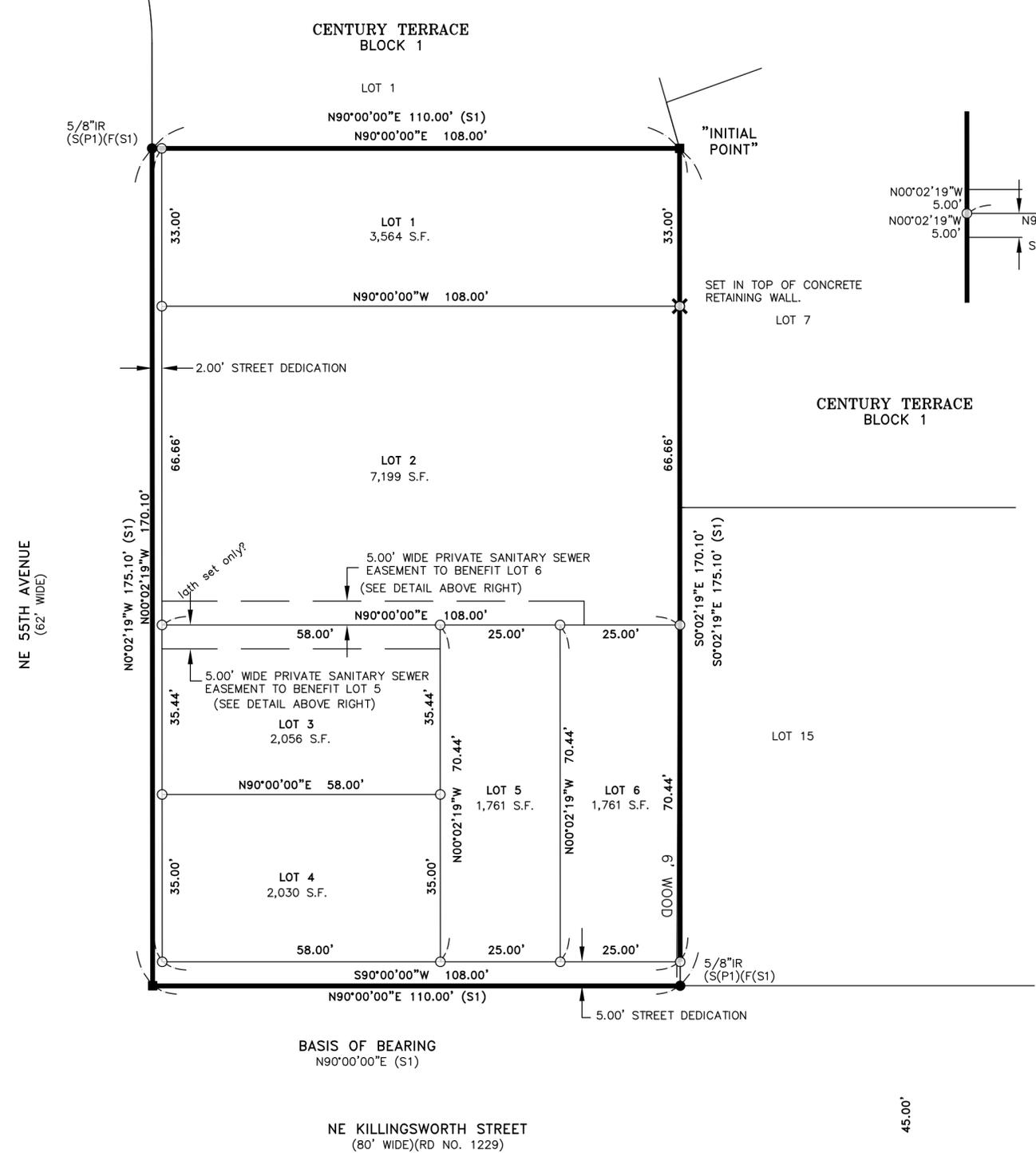
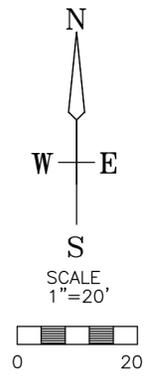
**Five foot easement on Lot 3 for sanitary lateral installation on Lot 5: Granted provided the easement is reviewed and approved by Bureau of Development Services prior to recording. Appellant shall contact Jessica Ruch (503-823-4162) for information.**

The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Plumbing Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

# JOANNA PLACE

A TRACT OF LAND  
 IN THE SE 1/4, SECTION 18, T.1N., R.2E., W.M.  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
 DATE: JANUARY 23, 2019



### LEGEND

- - INDICATES MONUMENT FOUND AS NOTED
- - INDICATED 5/8" IRON ROD W/ RED PLASTIC CAP STAMPED "FERGUSON LS 2445", SN 65987
- - INDICATED 5/8" X 30" IRON ROD W/ YELLOW PLASTIC CAP STAMPED "FERGUSON LAND SURVEYING INC.", SET ON JANUARY 23, 2019
- ⊕ - INDICATES 1-1/4" BRASS DISC STAMPED "LS 2445", SET ON JANUARY 23, 2019
- IR = IRON ROD
- S.F. = SQUARE FEET
- SN = SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- DOC NO. = DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS

### MULTNOMAH COUNTY RECORDS REFERENCED

PLATS: (P1) CENTURY TERRACE,  
 SURVEYS: (S1) SN 65987,  
 DEEDS: (D1) DOC NO. 2017-049086

I HEREBY CERTIFY, THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL SUBDIVISION PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR

*Joe H. Ferguson*

OREGON  
 JULY 25, 1990  
 JOE H. FERGUSON  
 2445

RENEWAL DATE 12/31/19

**Ferguson Land Surveying, Inc.**  
 646 SE 106TH AVE. PORTLAND, OR 97216  
 Phone (503) 408-0601 Fax (503) 408-0602

## JOANNA PLACE

CLIENT:  
 DEZ DEVELOPMENT  
 SLAVIK DEZHNYUK  
 5543 NE KILLINGSWORTH STREET  
 PORTLAND OR. 97015

DATE: JANUARY 23, 2019

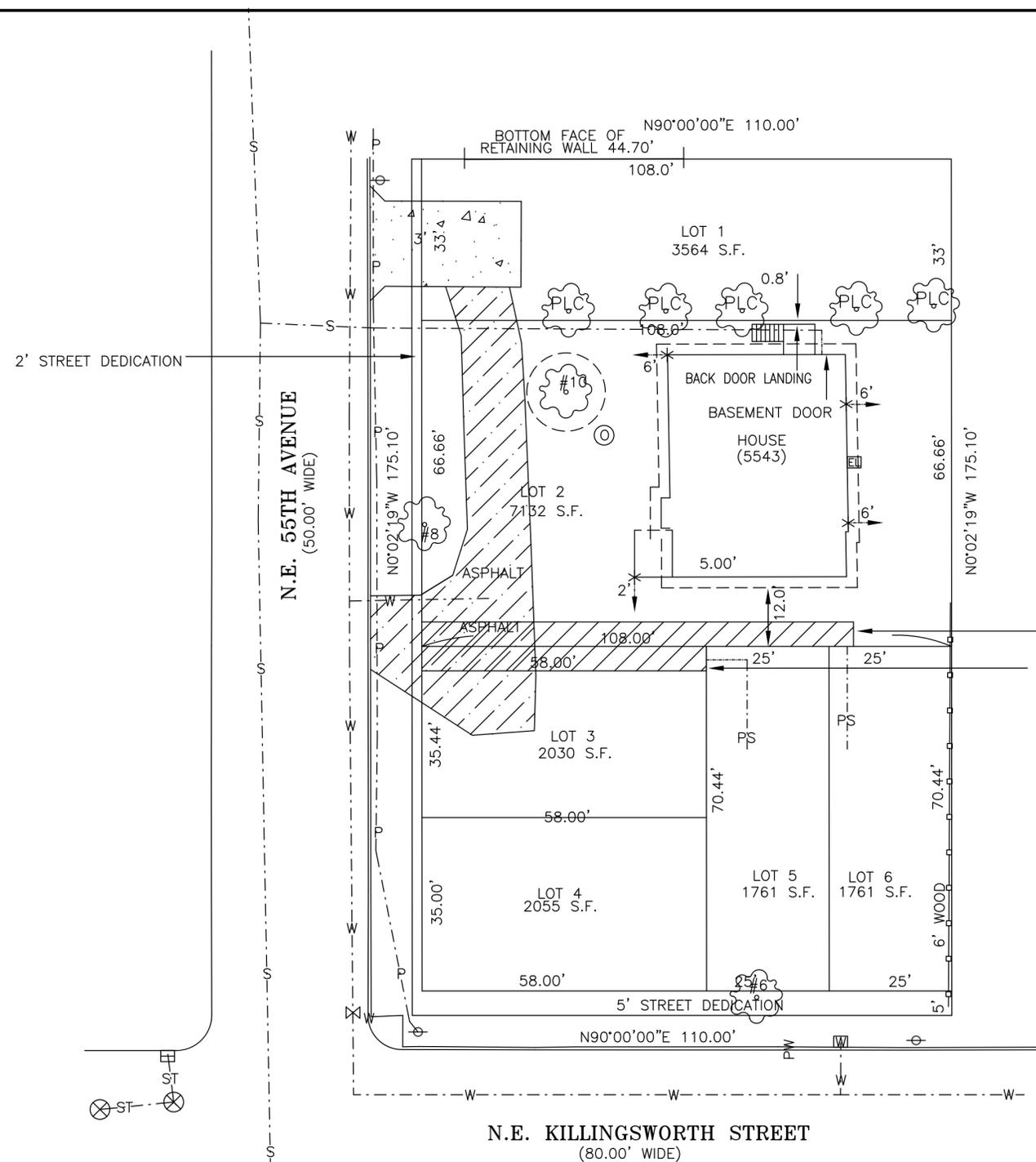
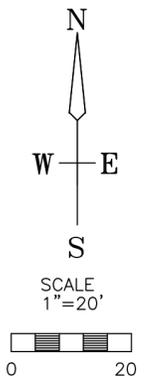
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| REVISED |  |

JOB NO. 17-073  
 DRAFTED 05.07.18

SHEET 2 OF 2

**SYMBOLS**

- ⊕ = POWER POLE
- ↓ = GUY ANCHOR
- ⊞ = WATER METER
- ⊞ = GAS METER
- ⊞ = ELECTRIC METER
- ⊞<sub>W</sub> = WATER VALVE
- ⊞<sub>G</sub> = GAS VALVE
- ⊗ = SANITARY MANHOLE
- ⊙ = CLEAN OUT
- ⊞ = CATCH BASIN
- ⊙ = FIRE HYDRANT
- \* = DOWN SPOUTS TO SPLASH BLOCKS
- ⊙ = DOWNSPOUT TO PIPE
- ⊙ = STORM MANHOLE
- P— = TELEPHONE LINE
- W— = WATER LINE
- PW— = PROPOSED WATER LINE
- G— = GAS LINE
- E— = ELECTRIC LINE
- PS— = PROPOSED SANITARY SEWER
- S— = SANITARY SEWER
- ST— = STORM SEWER
- ⊙ = OIL FILL
- ⊙<sub>DW</sub> = PROPOSED DRYWELL
- "EPL" = LINE TO CONFIRM
- ⊙ = DECIDUOUS TREE
- ⊙ = CONIFER TREE
- ⊙<sub>PLC</sub> = PROPOSED LELAND CYPRESS



TOTAL LOT AREA 19,260 S.F.  
TOTAL LOT AREA AFTER DEDICATION 18,370 S.F.

5' WIDE SAN. SEWER EASEMENT TO SERVE LOT 6  
5' WIDE SAN. SEWER EASEMENT TO SERVE LOT 5

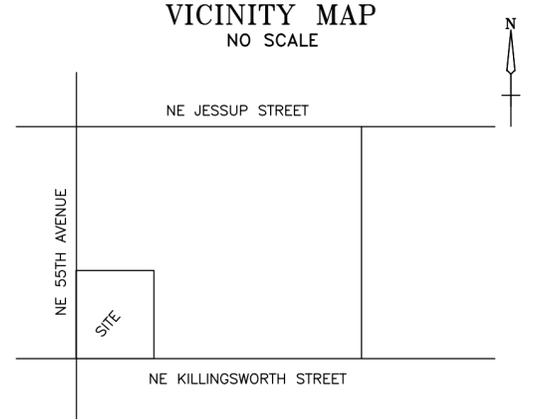
MH #1008  
RIM ELEV= 131.73'  
IE IN SOUTH = -13.22'  
IE OUT EAST = -13.37'

MH #1001  
RIM ELEV= 132.22'  
IE IN WEST = -15.60'  
IE OUT NORTH = -15.83'

Frontage improvements along NE Killingsworth and the corner ramp will be included as part of the City of Portland - Bureau of Transportation Connected Cully Sidewalk Infill Project (T00460).

NOTE: ELEVATION DATUM IS PER CITY OF PORTLAND BENCHMARK NO. 3237

**VICINITY MAP**  
NO SCALE



REGISTERED PROFESSIONAL LAND SURVEYOR

*Joe H. Ferguson*  
OREGON  
JULY 25, 1990  
JOE H. FERGUSON  
2445  
RENEWAL DATE 12/31/19

**Ferguson Land Surveying, Inc.**  
646 SE 106TH AVE. PORTLAND, OR 97216  
Phone (503) 408-0601 Fax (503) 408-0602  
www.FergusonLandSurveying.com

**SUPPLEMENTAL MAP**  
TAX LOT 5200 SITUATED  
IN THE SE 1/4, SECTION 18, T.1N., R.2E., W.M.  
PORTLAND, MULTNOMAH COUNTY, OREGON

DEZ DEVELOPMENT LLC  
SLAVIK DEZHNYUK  
10117 SE SUNNYSIDE ROAD  
SUITE F1123  
CLACKAMAS, OR 97015

DATE: MAY 9, 2017  
REVISED 10/17/2019  
REVISED: 2.15.2018  
REVISED: 7.8.2019

JOB NO. 17-073  
DRAFTED 5.9.17

SHEET 1 OF 1