



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 3, 2008
To: Interested Person
From: Nizar Slim, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 08-106228 LDS

GENERAL INFORMATION

Applicant: Sam Grosz,
Argonaut Group Llc
1425 NW Flanders Street
Portland, OR
97209

Jonathan Konkol,
Myhre Group Architects
700 SW Taylor, Ste 400
Portland, OR
97205

Site Address: 3405 SE 89th Ave

Legal Description : LOT 10 BLOCK 6, JOHNSTON AC
State ID No.: 1S2E09BD 06900
Tax Account No.: R432102250
Quarter Section: 3339

Neighborhood: Powellhurst-Gilbert, contact James Chasse at 503-762-0863.
Business District: Eighty-Second Avenue, contact Nancy Chapin at 503-774-2832.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None

Zoning: R2a- Residential 2000 – (Multi-dwelling) with an Alternative Design Density overlay

Case Type: LDS – (Land Division, Subdivision)

Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to divide an existing lot with a detached house into 5 lots. Lots 1 and 5 will be 2,820 square feet in area; Lots 2 and 4 will be 1,663 s.f.; and Lot 3 will be 1,816 s.f. The existing house will be removed as part of this land division and the resulting lots will be developed with attached row-houses. In addition to a row-house, lots 1 and 5 would also share development with a detached accessory dwelling unit to the rear of the lot. There are no trees located on site but a stand of larger deciduous trees are situated along the neighboring western

property line. Although these trees are not part of this proposal, the applicant has noted some mitigation measures to limit potential damage to the trees during subsequent construction.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in sections **33.660.120 approval criteria for Land Divisions in Open Space and Residential zones.**

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (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 (See ORS 92.010).

ANALYSIS

Site and Vicinity: This site is located on the west side of SE 89th street. There is an existing residence located on southern portion of the site that will be removed. Besides grasses and low lying vegetation there are no trees on site (although a stand of maples does exist on the western property). The existing lot is flat with no substantial grade changes.

The surrounding neighborhood is characterized by commercial and multi dwelling residences on originally platted plots or more recently subdivided properties.

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

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

Land Use History: City records indicate that prior land use reviews include the following:

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on April 10, 2008.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

APPROVAL CRITERIA-

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones.** Due to the specific location of this site, and

the nature of the proposal, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.612	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - Not applicable - No significant trees were located fully on the site.- <i>At the voluntary discretion of the applicant, protective fencing is proposed to safeguard the neighboring trees - (see arborist letter A-2)..</i>
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Applicable - See findings below
I	33.639	Solar Access	Not applicable - The proposed development is for something other than single-dwelling detached homes.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the lot standards applicable in the Multi-dwelling zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

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

ensure that enough dwelling units can be developed to accommodate the projected need for housing.

When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3.

The total site area shown on the applicant's survey is 11,399 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. The applicant will be required to dedicate approximately 617 square feet of site area along the frontage of SE 89th Ave for right-of-way purposes (as described later in this report). Therefore the resulting lot size for calculating density is 10,782 square feet.

In this case, Lots 1 through 5 are proposed for single-dwelling development in the form of attached rowhouses. Therefore, the density requirements for this site are calculated as follows:

Minimum = 10,782 s.f.(site area) ÷ 2,500 (minimum density from Table 120-3) = 4.31(which rounds down to a minimum of 4 units, per 33.930.020.A).

Maximum = 10,782 s.f. (site area) ÷ 2,000 (maximum density from Table 120-3) = 5.39 (which rounds down to a maximum of 5 units, per 33.930.020.B).

The applicant is proposing 5 lots. Lots 1 and 5 are proposed with an Accessory Dwelling Unit in addition to the primary rowhouse (for a total of 7 units). However, these two additional dwelling units are exempt from being counted toward the maximum density calculation per 33.205.040 Density. The density standards are therefore met.

Lot Dimensions

The lot dimensional standards ensure that: (1) Each lot has enough room for development that meets all the requirements of the zoning code; (2) Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; (3) The multi-dwelling zones can be developed to full potential; and (4) Housing goals for the City are met.

The dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Chapter 33.612 of the Zoning Code):

R2 Zone Requirements

Lots for Attached or Detached Houses	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width*	Minimum Front Lot Line	Minimum Lot Depth
	1,600 sq.ft.	none	none	10 ft.	none
Proposed Lot 1	2,820 sq.ft.		23.50 ft.	23.50 ft.	113.50 ft.
Proposed Lot 2	1,663 sq.ft.		16 ft.	16 ft.	113.50 ft.
Proposed Lot 3	1,816 sq.ft.		16 ft.	16 ft.	113.50 .ft
Proposed Lot 4	1,663 sq.ft.		16 ft.	16 ft.	113.50 ft.
Proposed Lot 5	2,820 sq.ft.		23.50 ft.	23.50 ft.	113.50 ft.

The findings above describe how the applicable lot standards are met.

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

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

33.635.100 – Clearing and Grading

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

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case, the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. These criteria are met.

33.635.200 – Land Suitability

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

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

Also, the applicant has proposed to remove the existing house and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

With the above conditions (decommissioning of septic system and removal of house), the new lots can be considered suitable for development, and this criterion is met.

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

33.636.100 Requirements for Tracts and Easements

- A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:**
 - 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
 - 2. The Homeowners' Association for the area served by the tract;**
 - 3. A public or private non-profit organization; or**
 - 4. The City or other jurisdiction.**

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

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

Findings: The following easements are proposed and/or required for this land division:

- *Proposed:* A 5-foot Usage & No-Build Easement across the relevant portions of Lots 2 and 4
This easement is not necessary for the approval of this land division nor does it conflict with the other approval criteria—it is elective.
- *Required:* A Private Storm Sewer Easement is required across the relevant portions of Lots 2-4, for a shared drywell that will provide stormwater disposal for Lots 1-5.
This easement is necessary for the installation of a stormwater facility that will be needed to fulfill an approval criteria found in Section L below.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the tracts and easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and 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 agreements for (name of features) has been recorded as document no. _____, Multnomah County Deed Records.”

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

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

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

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

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

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land

divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 95 feet of frontage on SE 89th Avenue. SE 89th Avenue is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 150 feet from the site on SE Powell Boulevard via bus number 9. Parking is currently allowed on 89th street, on one side of the street. There is one driveway entering the site that provides access to off-street parking for the existing house.

89th avenue is improved with a partially paved roadway that varies in width along the site's frontage. There are no curbs, planter strips, or sidewalks. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case, Portland Transportation has determined that roadway, stormwater facility, curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site. With those improvements, five primary dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is provided prior to Final Plat.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

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

- The water standards of 33.651 have been verified. An existing 8-inch water main is available in SE 89th avenue. Water is available to serve the proposed development from the water main in SE 89th avenue. Lot 2 has an existing water service from that main. The applicant must make arrangements to ensure service is available to Lots 1, 3, 4 & 5. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the [water agency] prior to final plat approval. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch PVC public sanitary sewer located in SE 89th avenue that can serve the sanitary needs of the proposed lots. Lot 3 has an existing sewer service from that main. See Exhibit E-1 for more details.

As a result of the proposed land division, the applicant must establish a new service for Lots 1, 2, 4 and 5. If an easement is provided, a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat.

- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common

greens, and alleys. However, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. Further, PDOT has determined that the existing streets in the area are spaced less than 300 feet apart which is within the maximum limits for streets (530 feet) and pedestrian (330 feet) connections. As result, the remaining standards and approval criteria related to street connectivity, location, and design are met or not applicable.

33.653.020 Stormwater Management Approval Criteria

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

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

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

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

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

The applicant has proposed the following stormwater management methods (Exhibit C5), and the Bureaus have responded as follows (Exhibits E-1 and E-5)

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards, with curbs and sidewalks (discussed earlier in this report). Stormwater from these new impervious areas will be directed into a 4-foot wide infiltration planter located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed infiltration planter is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas. To accommodate this stormwater facility within the public right-of-way, a dedication along the frontage of the site must be provided prior to final plat.

BES requires a Public Works Permit for the construction of an infiltration planter. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.

As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new

sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Lots 1 through 5:** Stormwater from these lots will be directed to a shared drywell that will treat the water and slowly infiltrate it into the ground. In addition, each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The shared facility, however, allows more flexibility for development. Site Development has indicated conceptual approval of the shared drywell. However, to assure that an adequate area for the soakage trench for the new house is retained when the lot is developed, BES has recommended a minimum 15 foot rear building setback for Lot 3 to accommodate the shared drywell. To ensure that the size and setback requirements of the Stormwater Management Manual can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan prior to final plat approval.

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

DEVELOPMENT STANDARDS

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

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

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

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2a zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

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

CONCLUSIONS

The applicant is proposing a 5-lot subdivision, as shown on the attached preliminary plan (Exhibit C2). 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 stormwater management and street dedication and improvements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 5-lot subdivision, that will result in five attached row houses with detached accessory dwelling units on Lots 1 and 5 as illustrated with Exhibit C1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed interior side setbacks for all of the lots if the reduced setback provisions of Section 33.120.270.D.1 are intended to be used.
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- 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 89th avenue. The required right-of-way dedication must be shown on the final plat.
2. A private storm easement, for the benefit of Lots 1 through 5, shall be shown and labeled over the relevant portions of Lots 2 through 4, if a shared facility is proposed.

3. A recording block for the maintenance agreement(s), as required by Condition C6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Stormwater Facility easement for Lots 1 through 5 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 frontage of SE 89th Street. The applicant shall provide, a contract, financial guarantee and initial deposit must be provided to the City Engineer to ensure that improvements will be completed.
2. The applicant must obtain an approved Right Of Way permit from the Bureau of Transportation Engineering and Development Review for right of way improvements along the frontage of SE 89th Street to install the required sidewalk and infiltration planter. The improvements along the frontage of Lots 1 through 5.

Utilities

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

Existing Development

4. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

Required Legal Documents

5. A Maintenance Agreement shall be executed for the Shared Private Storm Sewer Easement area described in Condition B3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. The applicant must provide a fire accessway to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the gutter line.

Decision rendered by:  on May 29, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed June 3, 2008.

Staff Planner: Nizar Slim

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 January 31, 2008, and was determined to be complete on April 4, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 31, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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 June 17, 2008** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

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

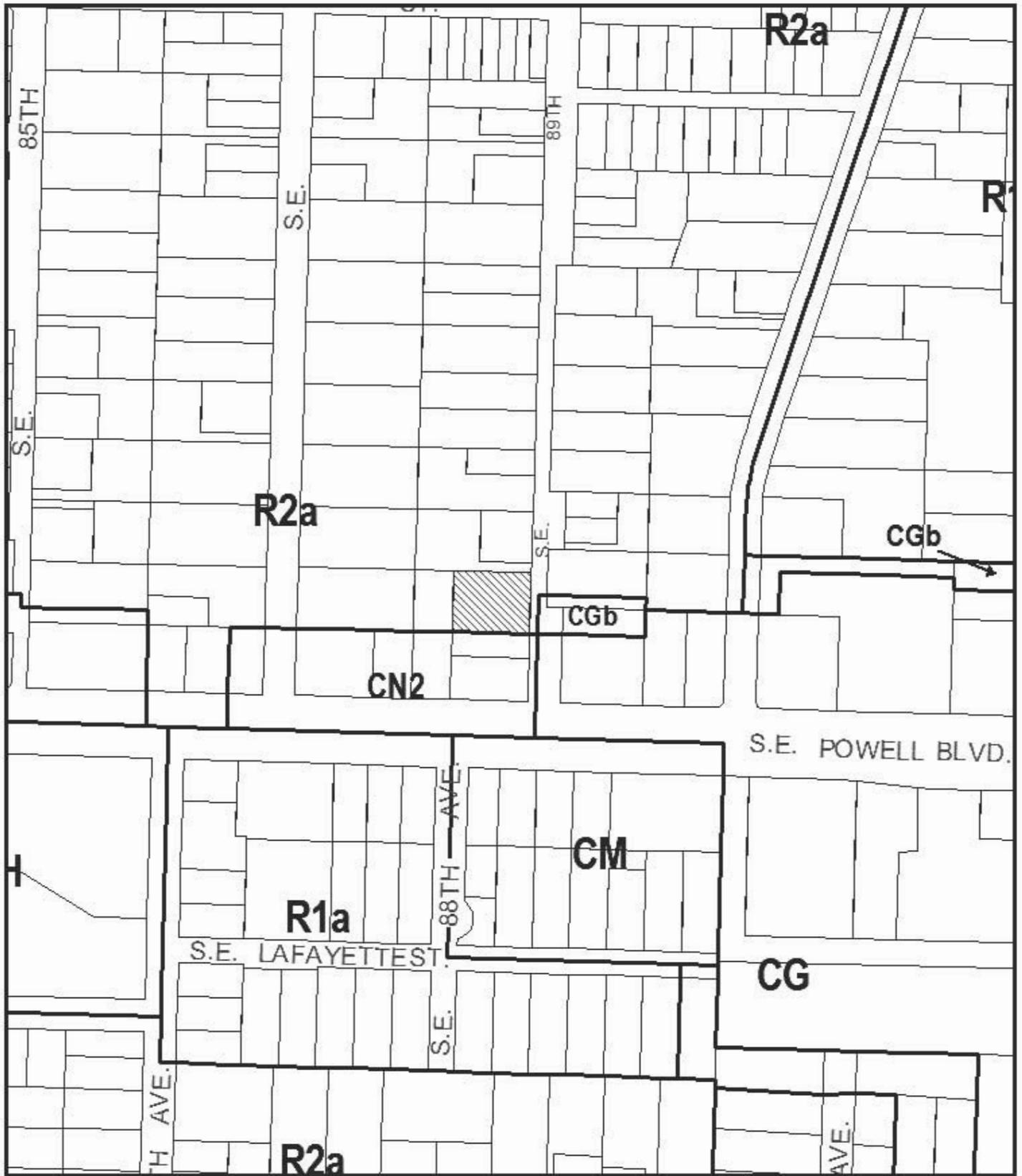
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. 1. Applicant's narrative
- 2. Arborist letter
- 3. Stormwater Calculations
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan – Current conditions (attached)
 - 2. Site Plan – Proposed Development (attached)
 - 3. Site Plan – Grading Plan (attached)
 - 4. Site Plan – Grading Plan details (attached)
 - 5. Site Plan – Preliminary Utility Plan (attached)
 - 6. Site Plan – Utility Plan Details(attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety, BDS
- F. Correspondence:
 - None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



ZONING

 Site



NORTH

File No.	LU 08-106228 LDS
1/4 Section	3339
Scale	1 inch = 200 feet
State_Id	1S2E09BD 6900
Exhibit	B (Feb 01,2008)

4-4-08

08-106228 LOS

LEGEND:

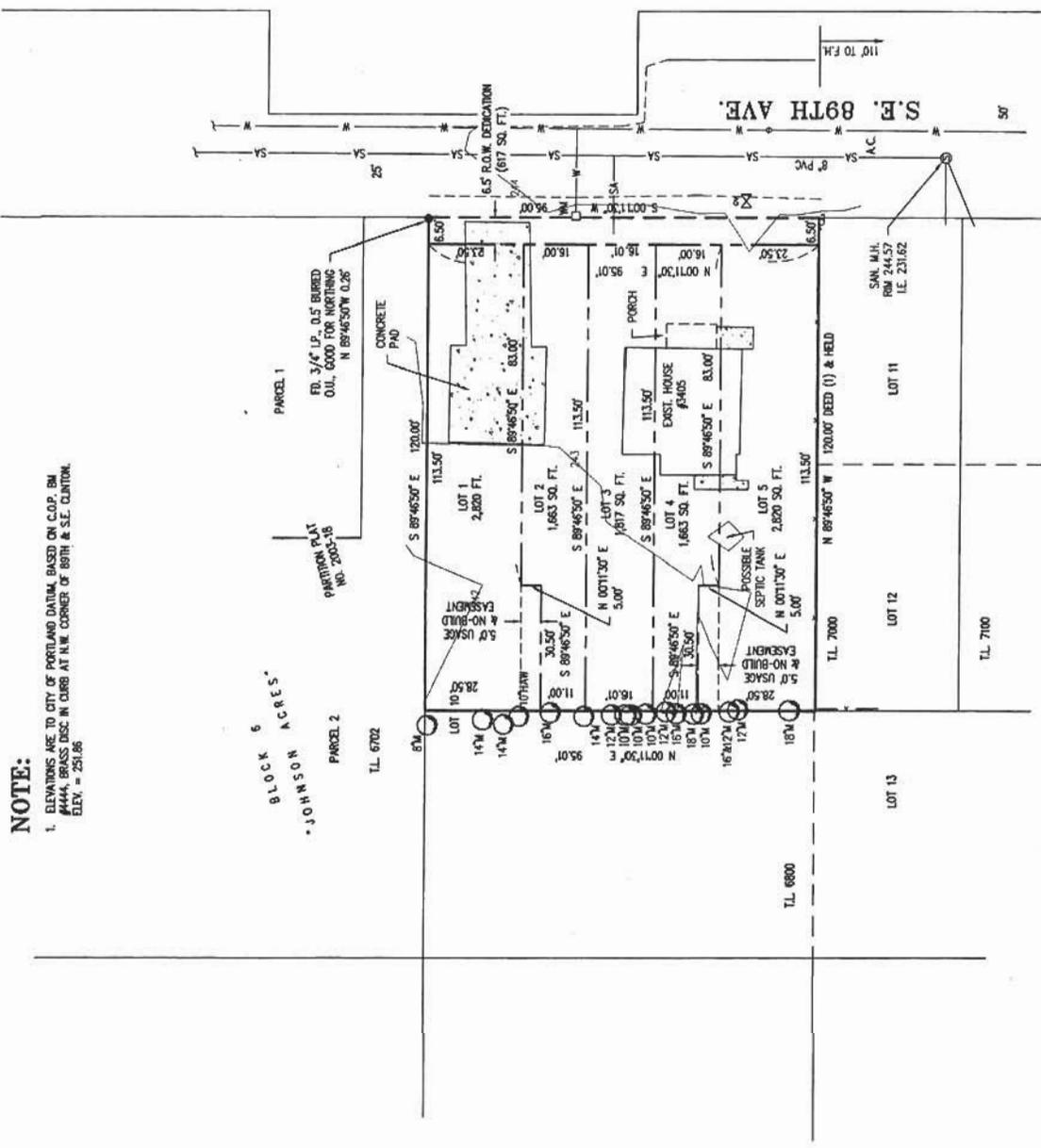
- MONUMENTS FOUND AS NOTED
- I.R. IRON ROD
- I.P. IRON PIPE
- F.D. FOUND
- (M) MEASURED
- SA — EXISTING SEWER
- ST — EXISTING STORM
- W — EXISTING WATER
- — EXISTING FENCE
- — EXISTING CONCRETE SIDEWALK
- XXX— EXISTING CONTOUR
- XX EXISTING FIRE HYDRANT
- CB EXISTING CATCH BASIN
- EXISTING SANITARY MANHOLE
- EXISTING POWER POLE
- EXISTING WATER VALVE
- WM EXISTING WATER METER
- EXISTING STREET SIGN
- EXISTING TREE
- HAW HAWTHORNE
- M MAPLE

NOTE:

1. ELEVATIONS ARE TO CITY OF PORTLAND DATUM, BASED ON C.O.P. BM #4444, BRASS DISC IN CURB AT N.W. CORNER OF 89TH & S.E. CLINTON. ELEV. = 251.86

NOTE:

ELEVATIONS ARE TO CITY OF PORTLAND DATUM, BASED ON C.O.P. BM #4444, BRASS DISC IN CURB AT N.W. CORNER OF 89TH & S.E. CLINTON. ELEV. = 251.86



ZONE = R2a
AREA = 11,400 SQ. FT.
CASE NO. 08-106228 LOS
EXHIBIT C-1

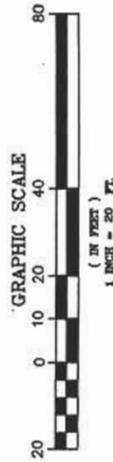
JOB#:	N3314-1
DATE:	4-27-06
SCALE:	1"=20'
DRAWN:	JHH
CHECK:	OCF
FILE:	N3314-1S
PLANT:	3-26-08

ZTEC ENGINEERS INC.
3737 S.E. 87th Ave., PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

A PORTION OF LOT 10, BLOCK 3 OF "JOHNSON ACRES" LOCATED IN THE N.W. 1/4 OF SECTION 9, T.15S., R.22E., W.M. IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

SAM GROSZ
REGISTERED PROFESSIONAL LAND SURVEYOR
CHRIS FISCHBORN
1944

ARGONAUT SOUTH
EXISTING CONDITIONS PLAN

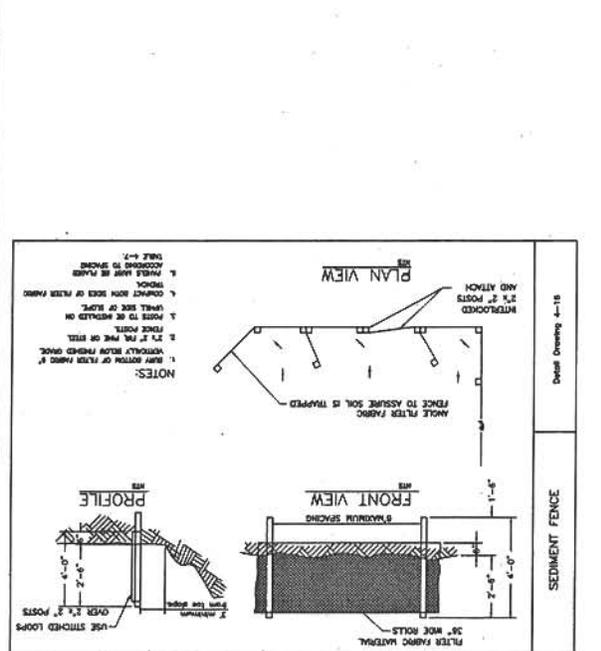
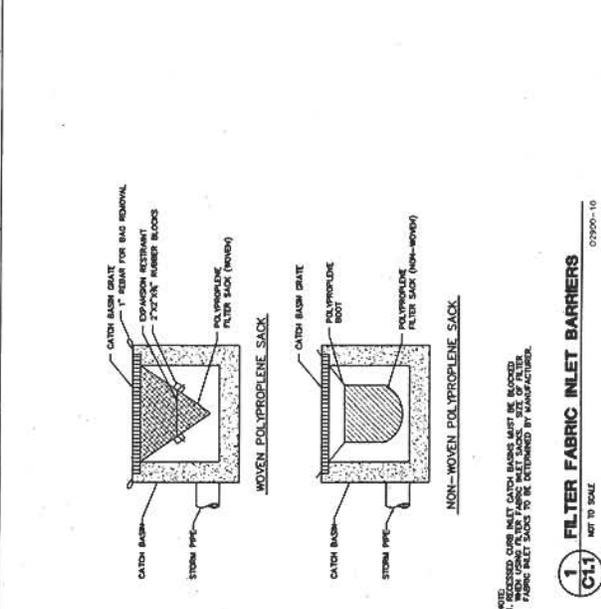


4-4-3 08-106-222-001

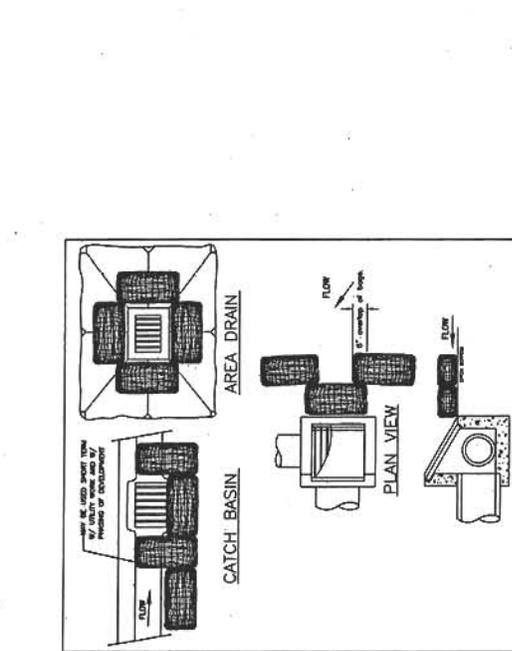
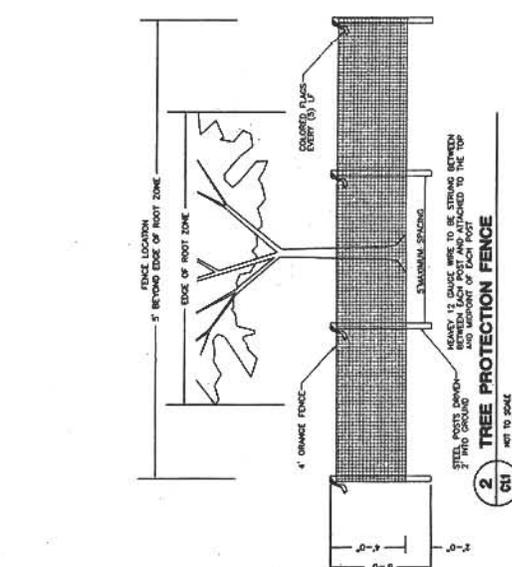
MYHRE GROUP
 10000 15th Avenue S.W.
 Everett, WA 98203
 (206) 835-7000
 www.myhre.com

AAA ENGINEERING
 10000 15th Avenue S.W.
 Everett, WA 98203
 (206) 835-7000
 www.aaa-engineering.com

- ### EROSION CONTROL NOTES
- OWNER OR DESIGNATED PERSON SHALL BE RESPONSIBLE FOR PROPER INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.
 - THE IMPLEMENTATION OF THESE ESC PLANS AND CONSTRUCTION MAINTENANCE, THE CONSTRUCTION OF ALL CONSTRUCTION IS COMPLETED AND APPROVED BY THE LOCAL CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PROJECT AS APPROVED UNTIL THE USE ARE SOLD.
 - THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY MARKED WITH STAKES AND CHAINS. THE BOUNDARIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE MARKINGS SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONFORMANCE WITH THE ESC PLAN. THE ESC FACILITIES SHALL BE CONSTRUCTED PRIOR TO THE BEGINNING OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - THE ESC FACILITIES SHOWN ON THIS PLAN ARE MINIMUM REQUIREMENTS FOR CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - AT NO TIME SHALL SEDIMENT BE ALLOWED TO ACCUMULATE MORE THAN 1/3 THE DEPTH OF THE FACILITY. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - STABILIZED GRAVEL ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - STORM DRAIN INLETS, BURNS, AND AREA DRAINS SHALL BE PROTECTED UNTIL FURROW SURFACES ARE COMPLETED AND/OR VEGETATION IS RE-ESTABLISHED.
 - SEDIMENT SHALL BE PERFORMED NO LATER THAN SEPTEMBER 1 FOR EACH PHASE OF CONSTRUCTION.
 - IF THERE ARE EXPOSED SOILS OR SOILS NOT FULLY ESTABLISHED FROM OCTOBER THROUGH APRIL, THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE ESC FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
 - THE DEVELOPER SHALL REMOVE ESC MEASURES WHEN VEGETATION IS FULLY ESTABLISHED.



TEMPORARY EROSION CONTROL MEASURES TO BE APPLIED AT:
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PRELIMINARY EROSION CONTROL DETAILS AND NOTES

DATE: 1.18.2008
 DRAWN BY: DANAVOS
 JOB NO: 07010
 PROJECT: [REDACTED]

C1.1

3-24-08 PRELIMINARY PLAT

CASE NO. 08-106223
 EXHIBIT C-4

