



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 08-107744 LDP EN (HO 4080028)

Applicants: Neil Fernando and Eric Evans
Emerio Design LLC
6107 SW Murray Blvd, Ste. #147
Beaverton, OR 97008

Owners: Randy L. and Cindy Ollison
222 SW Columbia St. #400
Portland, OR 97201

Representative: Tiffanie Ollison
3439 SW Scholls Ferry Rd.
Portland, OR 97221

Hearings Officer: Ian Simpson

Bureau of Development Services (BDS) Staff Representative: Kathy Harnden

Site Address: 10638 SE CLINTON ST

Legal Description: LOT 13 BLOCK 9, PITTOCK GROVE

Tax Account No.: R660602980

State ID No.: 1S2E10BB 07400

Quarter Section: 3341

Neighborhood: Powellhurst-Gilbert

Business District: Midway

District Coalition: East Portland Neighborhood

Plan District: Johnson Creek Basin Plan District

Other Designations: East Buttes, Terraces and Wetlands Conservation Plan, Resource Site #132; Potential Landslide Hazard Area; Preliminary Rapidly Moving Landslide Area; Wildfire Hazard Area; 20 percent or greater slope area

Zoning: R7c – Residential 7000 (R7) with the environmental conservation (c) overlay

Land Use Review: Type III LDP EN – Land Division Partition Review and Environmental Review

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:27 p.m. on October 20, 2008, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 1:56 p.m. The record was closed at that time.

Testified at the Hearing:

Kathy Harnden, BDS Staff Representative

Kerstin van Loo, 6900 SW 105th Ave., Beaverton, OR 97008

Proposal: The applicants request approval of a two-lot land division partition. They also request an environmental review to modify the lot size of proposed Parcel 2 by reducing it from the minimum lot size of 4,200 square feet to 3,835 square feet, a difference of 365 square feet. No development is proposed in the environmental zone's resource area.

Proposed Parcel 1, containing the existing house, will be 43.65 feet wide at the front lot line. This width provides enough room to allow a five-foot wide setback from the proposed property line separating the two new lots. Proposed Parcel 2 will be 38 feet wide and will also have five-foot wide side yard setbacks on both sides. Both parcels will be 102 feet deep and will include the 25-foot wide transition area of the environmental conservation overlay zone bordering the resource area. The site's remainder, a 7,928 square foot environmental zone resource area, will be fully preserved in proposed Tract A.

Parcels, the future house, street improvements, water and sanitary sewer connections and storm sewer facilities will all be located outside the environmental zone's resource area, and no trees will be removed from the environmental zone. Therefore, the proposal can meet the development standards of Section 33.430.160 (Environmental Standards for Land Divisions and Planned Developments).

Parcel 2's proposed lot size will be less than the required 4,200 square foot minimum. This will allow preserving the entire environmental resource area in a protected tract. The applicants requested an Environmental Modification Review to reduce Parcel 2's size.

State law considers this land division to be a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (ORS 92.010). This partition proposal is reviewed through the Type III land use review procedure because it includes a concurrent environmental review (Section 33.660.110).

Relevant Approval Criteria: To be approved, the proposal must comply with the relevant approval criteria in the Zoning Code. The relevant criteria are contained in:

- Chapter 33.660 Review of Land Divisions in Open Space and Residential Zones
- Section 33.430.280, Modifications which will better meet Environmental Review Requirements

II. ANALYSIS

Site and Vicinity: The site is located at the bottom of the north slope of Kelly Butte in southeast Portland. It is 16,328 square feet with about 10,280 square feet located in an environmental conservation zone. The first 50 feet of the site, where the existing house sits, is a relatively flat area that is about three feet above the street level. There are two artificial terraces behind the house, which step up the slope about three to five feet each, and are approximately 15 feet wide. From the edge of the southernmost terrace, the slope changes considerably across the property to more than 50 percent in the southwest corner. The house is located on the flatter area in the northeast corner. A medium sized, multi-stemmed deciduous tree is located in the right-of-way fronting the site and a few arbor vitae are located along the west property line. A 12-inch apple tree is located in the environmental conservation zone's transition area. A mature, mixed deciduous forest begins at the environmental resource boundary as the site begins to slope steeply up Kelly Butte to the south.

The property is located in an older neighborhood with many homes dating from the 1920s and 1930s. The site's house was built in 1927. A new single family residence is under construction two properties west of the subject site. Sections of sidewalks exist on both sides of SE Clinton, but much of the sidewalk area is curb only.

The site is located in the R7 zone, but is bordered by the Open Space zone to the south and the R5a zone to the north.

Zoning: The site's base zone is R7. The R7 zone is intended to foster developing single-dwelling residences on lots having a minimum area of 4,200 square feet. Newly created lots must have a minimum density of one lot per 7,000 square feet of the site.

Most of the site is covered by an environmental conservation ('c zone') overlay zone. Environmental zones protect environmental resources and functional values that the city has identified as providing public benefits. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to preserve the site's protected resources. The c zone protects the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant.

The Johnson Creek Basin plan district provides 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 no prior land use reviews for the site.

Environmental Resources: Environmental overlay zones protect sites' resources and functional values. Kelly Butte is identified as Site 132 in the East Buttes, Terraces and Wetlands Conservation Plan. It is one of three cinder cone buttes in east Portland and is the focus of Kelly Butte Park that abuts the site's south property line. The butte forms an east/west trending ridge standing about 300 feet above a flat plain created by the Missoula Flood deposits.

Kelly Butte is well forested with a mixed deciduous/coniferous forest that is at least 100 years old. Approximately 75 percent of the site is undeveloped and forested, containing significant habitat value for wildlife such as food, cover and refuge, as well as slope stabilization functions. Additional resources include open space, wetlands, intermittent drainage, groundwater, rare plants and bird habitat. Additional functional values include sediment and erosion control, air and water quality protection, scientific/educational, scenic, recreational and geologic values. The top of Kelly Butte is also a designated scenic viewpoint for its view of Mt Hood.

ZONING CODE APPROVAL CRITERIA

CHAPTER 33.660 REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 Approval Criteria

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.

Findings: Due to the site's location and the nature of the proposal, staff determined that some of the criteria do not apply. The relevant approval criteria are below:

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

Findings: Chapter 33.610 Lots in RF through R5 Zones contains the density and lot standards applying to the R7 zone. The standards ensure that lots are consistent with each zone's desired character while allowing lots to vary in size and shape provided each zone's planned intensity is respected.

33.610.100 Density Standards

Findings: The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental or geophysical constraints. In this case, a street is not created, but the site is within an environmental zone and a potential landslide hazard area. Therefore, there is no minimum required density (Section 33.610.100.D.2). The formula to determine the site's maximum density (Section 33.610.100.C.1) is:

The site's square footage (16,328 square feet) ÷ Maximum density from Table 610-1 (7,000 square feet) = 2.3 Maximum number of lots allowed, which rounds down to a maximum of two lots (Section 33.930.020.B)

The applicants are proposing two lots. The Hearings Officer finds that the density standards criteria are met.

33.610.200 Lot Dimension Standards

Findings: The dimensions of the proposed parcels compared to the required lot dimension standards are shown in the table below (information is found in Table 610-2):

	R7 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	4,200 sq. ft.	4,449 sq. ft.	3,835
Maximum Lot Area	12,000 sq. ft.		
Minimum Lot Width*	40 ft.	43.65	38
Minimum Front Lot Line	30 ft.	43.65	38
Minimum Lot Depth	55 ft.	102	102

* Width is measured at the front minimum building setback line.

At 3,835 square feet, Parcel 2 does not meet the minimum lot area standard. The applicants requested an Environmental Modification to reduce Parcel 2's minimum lot area from 4,200 to 3,835 square feet. With approval of the Environmental Modification (see the review below), the minimum lot area standard will be met.

At 38 feet wide, Parcel 2 does not meet the minimum lot width standard. However, narrower lots are allowed if the lot meets the following:

33.610.200.D.2 There is no minimum lot width for lots that meet all of the following:

- a. If the lot abuts a public alley, then vehicle access must be from the alley;**
- b. There must be at least 15 contiguous feet of uninterrupted curb space for each lot being created under these provisions ...;**
- c. Lots must be configured so that development on the site will be able to meet the 50 percent garage limitation standard of Subsection 33.110.253.E at the time of development;**

- d. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and**
- e. When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley.**

The site does not have public alley access, and so “a” does not apply.

Concerning “b”, fifteen feet of uninterrupted curb space will be preserved for Parcel 2 along SE Clinton St. after providing a driveway serving the parcel (including the required three-foot curb returns on either side of the driveway entrance). A condition of approval is required to assure that this curb space will continue to be preserved when the lots are developed or re-developed.

Concerning “c”, the widest house that could be developed on Parcel 2 would be 28 feet wide, assuming it was placed in the widest portion of the parcel and complied with the five-foot side yard setback requirement on either side. A standard one-car garage typically includes a nine-foot wide garage door with two feet of structural support on either side. A 28-foot wide house could have a garage wall up to 14 feet long and still comply with the 50% garage wall limitation standard. Therefore, it can be assumed that any new house on the lot could provide at least a one-car garage and still comply with the 50% garage wall limitation.

Concerning “d” and “e”, neither apply since attached houses are not proposed, and driveways will access only one lot each.

The applicants have demonstrated that Parcel 2 can meet the narrow lot standards.

Staff determined that the lot dimension standards are met, with the above condition. The Hearings Officer finds that these criteria are met.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

Findings: Approximately two-thirds of the site is located within a potential landslide hazard area and almost the entire site is located in a Preliminary Rapidly Moving Landslide Area. The Site Development Division of the Bureau of Development Services (Site Development) evaluated the applicants' geotechnical report (Exhibits A.2) and determined that the site has a low risk for slope failure. There was no evidence of slope failures during relatively recent, 1996-97, storm events that caused many slope failures throughout the Portland area. No evidence was found of seeps or springs that would indicate a perched water table that could cause slope failures. Further, the land use upslope of the site is a public park where timber harvesting is not expected. "These factors combine to minimize the future hazard of a rapidly moving landslide or debris flow," according to the report.

Staff determined that the proposed land division will result in two parcels with buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the site's vicinity. This is due to development being located on the flattest area of the site, below previously terraced areas. The Hearings Officer concurs with staff and finds that this criterion is met.

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

33.635.100 Clearing and Grading Approval Criteria

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

- 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, and tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case, the developable portion of the site is relatively flat, and the proposed development areas are not located within the potential landslide hazard area. Only minor grading will be required on Parcel 2 to make the new lot developable.

Site Development will determine during building permit application whether the applicants' erosion control plan fully complies with Title 10 requirements. Staff determined that because grading will be localized and minimal, this criterion will be met. The Hearings Officer concurs and finds that this criterion is met.

33.635.200 Land Suitability Approval Criterion

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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

Findings: The site is currently in residential use and there is no record of any other use in the past. As discussed above, the site is very sloped in areas and is partially mapped in the city's potential landslide hazard area. However, the applicants submitted a geotechnical report that concluded that the proposed development can be accommodated without significantly increasing the landslide hazard risk. All stormwater runoff generated from the proposed development will be captured, detained and directed to two drywells located outside the potential landslide areas.

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. Before final plat, the applicants must meet Site Development requirements to decommission the facility. Staff determined that with the above condition, the new lots can be considered suitable for development. The Hearings Officer finds that 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: The following tract is proposed: Tract A: Open Space (Environmental Resource Tract). To comply with environmental zone development standard Section 33.430.160.C, resource areas in an environmental conservation zone that are located outside proposed disturbance areas must be placed within an environmental resource tract. The tract must be owned as per one of the above

options. Staff determined that with a condition to create Tract A, the applicants meet this criterion. The Hearings Officer concurs with staff and finds that this approval criterion is met.

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: No easements are proposed or required for this land division.

Staff determined that this criterion can be met with the condition that the required maintenance agreement is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block, substantially similar to the following example:

“A Declaration of Maintenance Agreement for Tract A: Open Space (Environmental Resource) has been recorded as document no. _____, Multnomah County Deed Records.”

The Hearings Officer finds that 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,

33.641.020 Approval Criterion

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 site has approximately 81.64 feet of frontage on SE Clinton St., which is designated a city walkway and classified as a local service street in all other street classifications in the Transportation System Plan. TriMet provides transit service approximately 735 feet from the site on SE Division St., via Bus 4. Parking is currently allowed on both sides of SE Clinton St. There is currently one driveway entering the site that provides access to off-street parking for the existing house.

Southeast Clinton St. is improved with a 28-foot wide paved surface and an 11-foot wide pedestrian corridor providing curb-only along the property's frontage. The neighboring frontages' pedestrian corridor located east and west of the site are both improved and support a six-foot wide, curb-tight sidewalk and a five-foot wide frontage buffer/planter zone at the back of the sidewalk.

Portland Transportation determined that, due to the moderate level of development potential in this neighborhood, as well as the pre-existing sidewalk configuration on the south side of SE Clinton, additional dedication would not be required at the site. The applicant has shown a one-foot dedication on Exhibits C.1 through C.3. Portland Transportation recommended that during final plat approval, the area currently shown as dedicated should be incorporated into the lots. Although this will enlarge Parcel 2 by 34 square feet, its new area of 3,869 square feet will still remain less than the required minimum lot area of 4,200 square feet in the R7 zone.

Portland Transportation staff, including registered traffic engineers, reviewed the site and evaluated the potential impacts of one additional house on surrounding street traffic and did not require a transportation study (Exhibit E-3).

To be consistent with existing improvements east and west of the site, a six-foot wide curb tight sidewalk with a five-foot wide planter strip located at the back of the sidewalk will be required. The Portland Transportation suggested that the sidewalk should be seven feet wide to better accommodate pedestrian passage between mailboxes and the rear of the sidewalk. If not seven feet wide, then sidewalk sections with mail boxes located in the sidewalk area must provide a six-foot wide pedestrian through-zone from the back of the mail box to the back of the sidewalk, creating a small jog in the sidewalk. Improvements along Parcel 1's frontage will be required as a condition of final plat approval. Improvements for Parcel 2 will be required as a condition of the building permit approval for Parcel 2.

The Hearings Officer finds that, with conditions of approval, this criterion is met.

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

33.651.020 Water Service Standard

Water service must meet the standard of this section. Adjustments are prohibited. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.

Findings: An existing six-inch water main is available in SE Clinton St. and water is available to serve the proposed development from this main. Parcel 1 has an existing water service from this main.

33.652.020 Sanitary Sewer Disposal Service Standards

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

A. Availability of sanitary sewer.

- 1. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or**
- 2. BDS has approved the use of a private on-site sanitary sewage disposal system.**

B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on the Sewer Design Manual; and

C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, BDS and Environmental Services have preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system.

Findings: There is an existing public eight-inch PVC gravity sanitary sewer main located in SE Clinton St. that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from that main (Exhibit E-1).

33.653.020 Stormwater Management Approval Criteria

Stormwater management must meet the following 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, and so criterion “A” does not apply. Stormwater from development must be cleaned and disposed of in a manner that meets the requirements of the city's *Stormwater Management Manual*. The applicants proposed the following stormwater management methods (Exhibit C.2) and agencies responded as follows (Exhibits E-1 and E-5):

- **Public Street Improvements:** As a condition of approval, Portland Transportation requires the applicants to improve the site's frontage to city standards with a curb-tight sidewalk. Stormwater from this new impervious area must be directed into a five-foot wide planter located at the back of the new sidewalk.

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 *Stormwater Management Manual* requirements.

- **Parcel 2:** Stormwater from the parcel will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. The parcel has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. Site Development indicated conceptual approval of the new drywell for Parcel 2.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes and there is an area drain in the existing driveway. Site Development found that there are no city records indicating where the pipes and area drain are directed. Site Development further stated that "All stormwater facilities must be located on the same property as the structure they serve and further, must not be situated so as to adversely affect existing development on-site or on adjacent properties."

Before final plat approval, the applicants must demonstrate that the above requirement is met to Site Development's satisfaction by providing a supplemental plan of the stormwater system based on the results of a stormwater system/drywell video. Utility locate markers must be provided on the site upon request.

The Hearings Officer finds that with conditions of approval the stormwater management criteria are met.

33.654.110 Connectivity and Location of Rights-of-Way

B. Approval criteria.

- 1. Through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:**
 - a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
 - b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
 - c. Characteristics of the site, adjacent sites, and vicinity, such as:**

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

Findings: The site is located between SE 103rd and SE 109th, which have a distance between them of approximately 1,550 feet. There are no other north/south through streets between these two streets. Given that the criterion above recommends that through streets be no more than 530 feet apart, there should be a north-south through street provided in the site's vicinity. However, the very steep property adjacent south of the site is zoned Open Space with both the environmental protection and conservation overlays, and contains Kelly Butte Park. Portland Transportation determined therefore that a north/south through street would not be appropriate at this location.

The only new through pedestrian connection included in the proposal is a new sidewalk along the site's frontage on SE Clinton St. Portland Transportation determined that pre-existing improvements in the neighborhood are consistent with the neighborhood development and that improvements to provide for the requirements of the *Pedestrian Corridor Design Guide* would not be practical at this mid-block location.

The City Engineer determined that street capacity and level of service will not be impacted by creating one additional lot.

Portland Transportation is requiring that the applicants provide a six-foot wide curb tight sidewalk with a five-foot wide planter located at the back of the sidewalk along the site's frontage. Sidewalk sections with mailboxes located in the sidewalk area must provide a six-foot wide pedestrian through zone from the back of the mailbox to the back of the sidewalk.

The Hearings Officer finds that this criterion is met.

33.654.130 Additional Approval Criteria for Rights-of-Way

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

Findings: Any easements that may be needed for private utilities that cannot be accommodated within the right-of-way can be provided on the final plat. Staff determined that no specific utility easements adjacent to the right-of-way have been identified as being necessary.

The Hearings Officer finds that this criterion is met.

CHAPTER 33.430 ENVIRONMENTAL ZONES

33.430.280 Modifications Which Will Better Meet Environmental Review Requirements

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. These modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Findings: The applicants request an environmental modification to the minimum lot area standard (Section 33.610.200.B), to allow reducing Parcel 2 from 4,200 square feet to 3,800 square feet. The modification facilitates placing the entire environmental resource area in a tract that will be preserved in perpetuity. The Hearings Officer finds that the environmental modification would result in greater protecting the site's resources and functional values.

The purpose of the minimum lot area standard, as part of the lot dimension standards, Section 33.610.200.A, is:

A. Purpose. The lot dimension standards ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;

- **Lots are wide enough to allow development to orient toward the street;**
- **Lots don't narrow to an unbuildable width close to the street;**
- **Each lot has adequate access from the street;**
- **Each lot has access for utilities and services; and**
- **Lots are not landlocked.**

Parcel 2's proposed plat indicates a house 28' by 60', or approximately 1,680 square feet for a single story, or 3,360 square feet for two-stories, which is a reasonably-sized house for the area. The house will be sized that the parcel will meet the required five-foot side and rear building setbacks as well as the 15-foot front yard setback and the 18-foot garage entrance setback. With the two parcels and the environmental resource tract, the parcels will not be able to further subdivide under the current zoning. The backyard will contain about 950 square feet, well above the 250 square-foot required for a private outdoor area. The house will be oriented toward the street and the parcel will contain 38 feet of street frontage, more than enough to provide vehicular access, as well as access for utilities and services. With adjacent street access, the parcels will not be land-locked.

At first blush it appears that the two parcels will not be compatible with existing lots in the area. However, although the parcels will be much smaller than the average lot size for the area, they will have access to the environmental resource tract. The large, forested tract at the back of the parcels will appear to be part of them, and give the visual impression that the lots are each about 7,000 square feet. This is the average lot size called for in the R7 zone.

The Hearings Officer finds that on balance the modification will be consistent with the purpose of the minimum lot area standard.

Adding one reasonably-sized house to the area, which will adhere to the code's development standards, will not significantly detract from the area's livability. The applicants will maintain the minimum front, side and rear setbacks on both the existing house on Parcel 1 and the proposed house on Parcel 2. Parcel 2 meets the narrow lot standards.

The site area's current appearance, as shown on the zoning map (Exhibit B), is predominately single family dwellings on lots ranging in size from lots of comparable size to the proposed parcels, to lots comparable in size to the current undivided site when the resource tract is included with the parcels. The area includes both R7 and R5 zones, allowing subdivided lots to average 7,000 and 5,000 square feet, respectively. Although currently many of the area's lots are much larger, the R7 and R5 zoning guides future lot sizes. Structures on adjacent lots range from eight to 30 feet apart. The site's two parcels with the resource tract included, will appear to be comparable to some of the area's lots, and will be quite average with future lots.

The Hearings Officer finds that the modification will not significantly detract from the livability or appearance of the area. Therefore, the environmental modification criteria are met.

ADDITIONAL CONDITIONS

33.800.070 Conditions of Approval

The City may attach conditions to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.

Findings: The following development standards apply to development and land divisions in environmental zones. Conditions of approval based on these standards are included in this decision.

33.430.140 General Development Standards

- L. All vegetation planted in a resource area is native and listed on the Portland Plant List. Plants listed on the Portland Nuisance Plant List or Prohibited Plant List are prohibited.**
- M. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero.**
- N. The maximum front building setback is the minimum front building setback of the base zone**
- O. Fences are allowed only within the disturbance area (lots).**
- Q. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other types of lighting exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas.**

33.430.160 Standards for Land Divisions and Planned Developments

- E. Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;**

The following development standards apply to narrow lot development. Conditions of approval based on these standards are included in this decision.

33.110.215 Height

- B. Maximum height.**
- 2. Exceptions.**
 - a. R10-R5 zones. The maximum height for all structures on new narrow lots in the R10 to R5 zones is 1.2 times the width of the structure, up to the maximum height limit listed in Table 110-3; and**
 - b. R2.5 zone. The maximum height for all structures on new narrow lots in the R2.5 zone is 1.5 times the width of the new structure, up to the**

maximum height limit listed in Table 110-3.

33.110.253 Garages

E. Length of street-facing garage wall.

- 3. Standards. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-11. For attached houses on new narrow lots, this standard applies to the combined length of the street-facing façades of each unit. For all other lots and structures, the standards apply to the street-facing façade of each unit.**

The site's existing development will remain after the land division and be located on Parcel 1. Dividing the property may not cause the structure to move out of conformance or further out of conformance to any development standard applicable in the R7 zone.

Chapter 33.110 Table 110-2 contains the setback standards for development in the R7 zone. The existing house to remain on the site must meet the required setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines to conform with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be five feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the existing building's location relative to the adjacent new lot lines.

The applicants must meet Fire Bureau requirements to ensure adequate hydrant flow from the nearest fire hydrant, or obtain an approved Fire Bureau appeal to this requirement, or record an Acknowledgement of Special Land Use Conditions that require providing internal fire suppression sprinklers on Parcel 2. These requirements are based on the standards of Title 31 Fire Regulations.

The applicants must meet Urban Forestry requirements for street tree planting in the proposed planter strip adjacent to Parcel 1 before final plat approval. This requirement is based on the standards of Title 20 Parks and Recreation.

III. CONCLUSIONS

The applicants requested a two-parcel partition, which includes an environmental resource tract. In conjunction with the land division, an Environmental Modification Review was requested in order to facilitate the proposed lot configuration.

The relevant standards and approval criteria have been met or are met with conditions of approval. The primary issues identified with the proposal are related to modifying the lot size of Parcel 2 to be less than the required 4,200 square feet required in the R7 zone and protect environmental resources within the environmental zone.

In addition, PDOT determined that additional dedication for street improvements would not be required.

The conditions of approval address final plat and development requirements related to land divisions and environmental zoning standards. With the conditions below the proposed Land Division (Partition) and Environmental Modification Review is approved.

IV. DECISION

Approval of a Preliminary Plan for a two-lot partition, that will result in one standard lot, one narrow lot and a 7,928 square-foot environmental resource tract that will contain all the site's resource area, as illustrated by Exhibit C-1; and,

Approval of an Environmental Modification Review to reduce the minimum lot size from 4,200 square feet to 3,800 square feet for Parcel 2 (Section 33.610.200),

As illustrated with Exhibits C.2-C.4 subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for BES and Site Development review and approval. This Supplemental Plan must portray how the conditions of approval listed below are met. The supplemental plan must also show the surveyed location of the following:

- Any buildings or accessory structures on the site during the final plat application and their location relative to the adjacent new lot lines;
- Any driveways and off-street vehicle parking areas on the site during the final plat application;
- The location of existing storm drain pipes and area drain, as well as the direction of flow from these pipes;
- The location of the environmental zone boundary and the transition area; and
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. Because street dedication will not be required, the final plat must show the area indicated on Exhibits C. 2-4 as incorporated into the parcels.
2. The resource tract shall be noted on the plat as "Tract A: Open Space (Environmental Resource)".
3. A recording block for each of the legal documents such as maintenance agreement(s) or acknowledgement of special land use conditions, as required by Conditions C.5 and C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "*A Declaration of Maintenance Agreement for Tract A: Open Space*

(Environmental Resource) *has been recorded as document no. _____, Multnomah County Deed Records.*”

C. The following must occur before final plat approval:

Streets

1. The applicants shall meet City Engineer requirements for right-of-way improvements along the SE Clinton St. frontage. The applicants must obtain an approved Right-of-Way permit from the Bureau of Transportation Engineering and Development Review to install the required sidewalk and planter strip. The improvements along Parcel 1’s frontage, where the existing house will be retained, must be constructed before final plat approval. The improvements along the frontage of the remaining lot may be constructed with new development on the lot.

Utilities

2. The applicants shall meet Site Development requirements to decommission the site’s existing sanitary sewer system.
3. The applicants shall meet Fire Bureau requirements to ensure adequate hydrant flow from the nearest hydrant. Alternatively, a reduction of one-half of the required flow can be approved if residential sprinklers are installed in the new house on Parcel 2. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat. If fire flow is less than one-half of the requirement, the applicant will be required to obtain an approved Fire Code Appeal.

Existing Development

4. Documentation of the stormwater disposal system’s location for the existing house shall be submitted to Site Development. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), then the applicants must meet one of the following:
 - Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
 - Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.
5. The applicants must plant street tree(s) in the planter strip on SE Clinton St. adjacent to Parcel 1. Street trees shall be selected from the city’s approved street tree list for the five-foot wide planting strip. Tree size requirements for residential sites are to be two-inch caliper. Urban

Forestry must approve the newly planted trees' species and installation before final plat approval.

Required Legal Documents

6. If internal fire suppression sprinklers are required, then the applicants shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers, per a Fire Bureau Appeal. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
7. The applicants shall execute a maintenance agreement for the Tract A. The agreement shall include provisions assigning maintenance responsibilities for the tract; include a description of allowed/prohibited activities consistent with Chapter 33.430; and include conditions of this land use approval that apply to the tract. The maintenance agreement must be approved by the City Attorney and the Bureau of Development Services before final plat approval.

D. The following conditions apply to site preparation and developing individual lots:

1. A minimum of 15 feet of uninterrupted curb space must be preserved along Parcel 2's street frontage.
2. If adequate hydrant flow from the nearest hydrant is not available, then the applicants will be required to install residential sprinklers in the new house on Parcel 2 to the Fire Bureau's satisfaction.
3. Fences are allowed only within the parcels (not within Tract A).
4. In transition areas on Parcels 1 and 2, exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other types of lighting exceeding the brightness of 200-watt incandescent light) must be placed so that they do not shine directly into resource areas.
5. In Tract A all vegetation planted must be native and listed on the *Portland Plant List*. Plants listed in the "Nuisance Plant" list or in the "Prohibited Plant" list in the *Portland Plant List* are prohibited.
6. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line, the side building and garage entrance setbacks may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first ten feet from a front lot line, and within a minimum side street setback.
7. The maximum front building or street setback of the base zone is the maximum building setback for primary structures.

Ian Simpson, Hearings Officer

Date

Application Deemed Complete: July 11, 2008
Report to the Hearings Officer: October 10, 2008
Decision Mailed: November 6, 2008
Last Date to Appeal: 4:30 p.m., November 20, 2008
Effective Date (if no appeal): November 21, 2008

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

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

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, the appeal must be filed at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., the appeal must be filed at the Reception Desk on the 5th Floor. **An appeal fee of \$3,639.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

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

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

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

The Bureau of Development Services may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. 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. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved before the appeal is filed; and three working days for fee waiver approval should be allowed.

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

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of environmental reviews. **These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.**

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

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

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

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of an Environmental Modification Review. 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: Environmental review. This approval expires if:

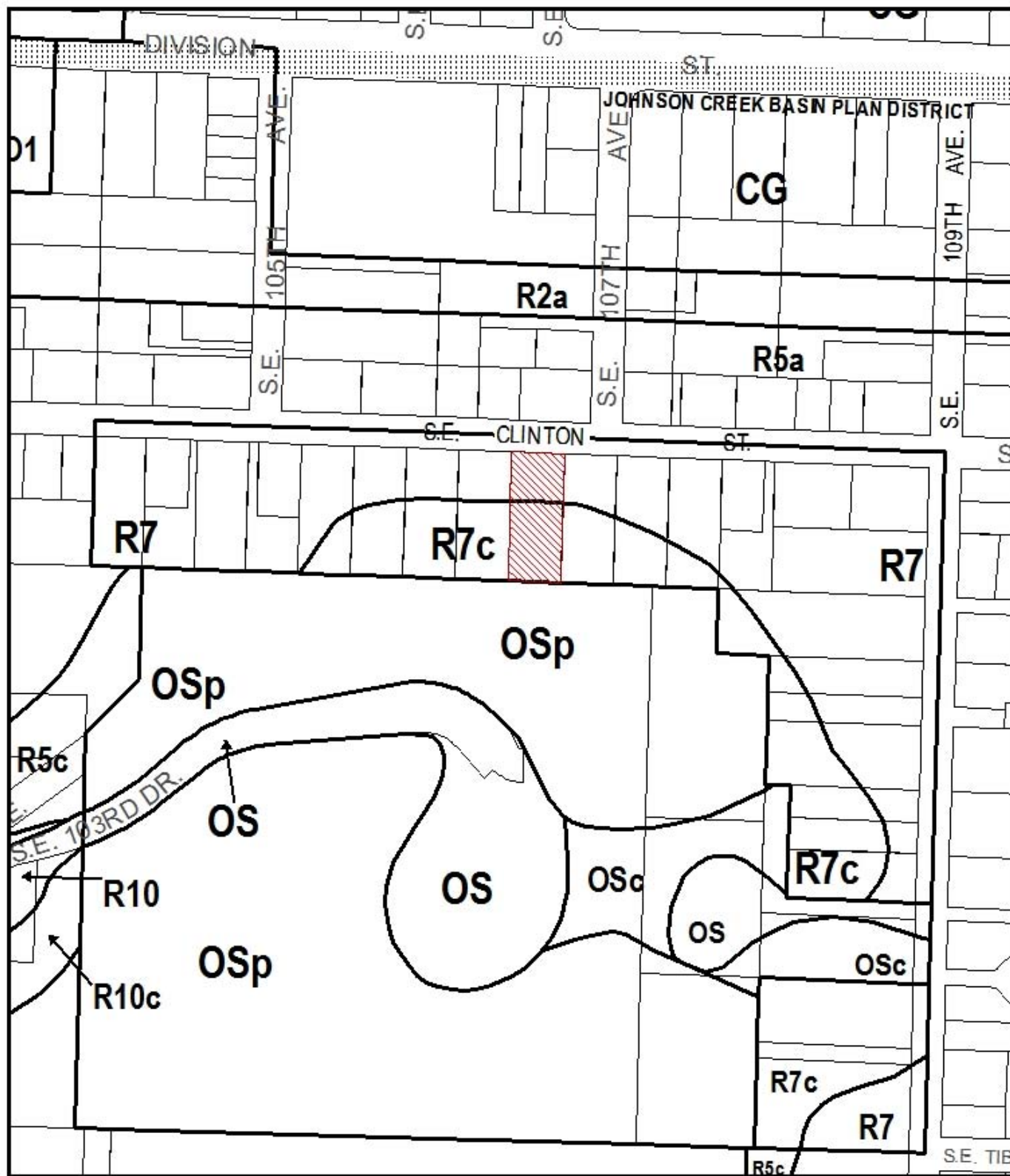
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, if none of the approved development or other improvements (buildings, streets, utilities, grading, or mitigation enhancements) have been made to the site.

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. Applicant's submittal on February 7, 2008
 - 2. Applicant's Statement submitted on February 7, 2008
 - 3. Applicant's Letter to the Neighborhood, July 26, 2007
 - 4. Landslide Hazard Study, July 24, 2007
 - 5. Arborist Report, April 29, 2007
 - 6. Stormwater Design, May 13, 2008
 - 7. Stormwater Infiltration Test Results, May 9, 2008
 - 8. 120-day extension request (33 days), August 19, 2008
 - 9. 120-day extension request (21 days), September 10, 2008
- B. Zoning Map (**attached**)
- C. Plans & Drawings
 - 1. Preliminary Plan (**attached**)
 - 2. Preliminary Grading and Erosion Control Plan (**attached**)
 - 3. Proposed Development and Utility Plan (**attached**)
 - 4. Existing Conditions and Demolition Site Plan (**attached**)
 - 5. Grading and Erosion Control Notes Details Plan (**attached**)
- D. Notification information
 - 1. Request for response
 - 2. a. Posting letter sent to applicant
 - b. Posting letter sent to applicant
 - c. Posting letter sent to applicant
 - 3. a. Notice to be posted
 - b. Notice to be posted
 - c. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
 - 7. Mailing List for Rescheduled Hearing Notice, September 29, 2008
 - 8. Mailed Rescheduled Hearing Notice
 - 9. Mailing List for Rescheduled Hearing Notice, October 20, 2008
 - 10. Mailed Rescheduled Hearing Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Bureau of Transportation Engineering and Development Review, Revised
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Bureau of Parks, Forestry Division
- F. Original LUR Application

1. Site History Research
 2. Pre-Application Conference Summary Notes
 3. Incomplete letter from staff dated February 28, 2008
- G. Letter not used by BDS
- H. Received in the Hearings Office
1. Hearing Notice - Harnden, Kathy
 2. E-mail from Poelwijk - Poelwijk, Yvonne
 3. 8/18/08 E-mail from Harnden - Harnden, Kathy
 4. Request to reschedule - Harnden, Kathy
 5. Rescheduled hearing notice - Harnden, Kathy
 6. Request to reschedule – incomplete - Harnden, Kathy
 7. Request to reschedule - Harnden, Kathy
 8. Request to reschedule with corrected 120-day deadline - Harnden, Kathy
 9. Rescheduled hearing notice - Harnden, Kathy
 10. Memo to Hearings Officer - Harnden, Kathy
 11. Staff report - Harnden, Kathy
 12. PowerPoint presentation printout - Harnden, Kathy
 13. 10/20/08 E-mail Kyle Rodrigues to Suzanne Savin - Harnden, Kathy - Submitted After Record Closed



ZONING



Site



NORTH

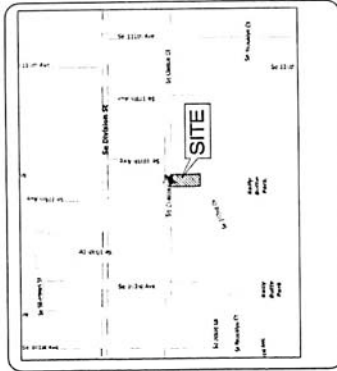
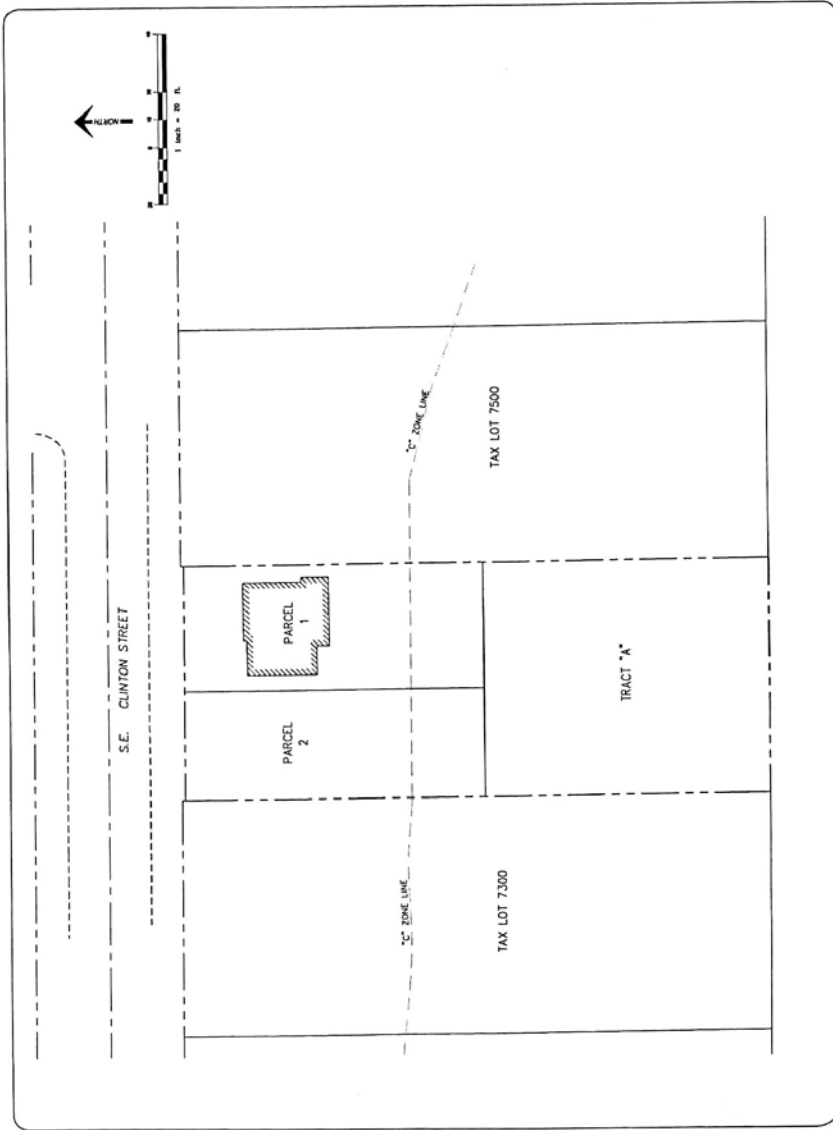
This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 08-107744 LDP,EN
 1/4 Section 3341
 Scale 1 inch = 200 feet
 State_Id 1S2E10BB 7400
 Exhibit B (Feb 11,2008)

S.E. CLINTON STREET PARTITION

10638 S.E. CLINTON STREET

CITY OF PORTLAND, OREGON



DRAWING INDEX

1. COVER SHEET
2. EXISTING CONDITIONS & DEMOLITION PLAN
3. GRADING & EROSION CONTROL PLAN
4. PRELIMINARY SITE & UTILITY PLAN
5. NOTES AND DETAILS

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS 503-265-4231
 PCE 503-464-7777
 OREGON 800-573-1311
 CITY BUREAU OF MAINTENANCE 503-823-1700
 CITY WATER 503-823-4874
 VERIZON 800-463-1000
 COMCAST 503-266-2278

SITE DATA

SITE AREA 16,328 SF.
 ZONING R-7
 TAX MAP: 152C108B
 TAX LOT: 7400
 NO. OF LOTS: 2

DEVELOPER
 TIFFANIE OLUSON
 P.O. BOX 3439
 S.W. SCHOLLS FERRY RD
 PORTLAND, OREGON 97221

ENGINEER
 EMERIO DESIGN, LLC
 6107 SW MURRAY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 (503) 515-5528 (P)
 ATTN: NEIL FERNANDO

SURVEYOR
 C + L LAND SURVEY, INC.
 9255 SW NABUSS AVE.
 BEAVERTON, OREGON 97008
 (503) 641-0306

GENERAL NOTES

1. ALL WORK AND MATERIAL SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND DESIGN STANDARDS.
2. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND LICENSES BEFORE STARTING CONSTRUCTION.
3. EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE ONLY. ADDITIONAL UNDERGROUND UTILITIES MAY BE DISCOVERED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING AND MARKING ALL UTILITIES PRIOR TO CONSTRUCTION AND SHALL ADVANCE FOR THE RELOCATION OF ANY IN CONFLICT WITH THE PROPOSED CONSTRUCTION.
4. THE ENGINEER HAS BEEN RETAINED TO PROVIDE DESIGN AND CONSTRUCTION REVIEW SERVICES RELATING TO THE CONTRACT.
5. THE CONTRACTOR SHALL NOTIFY THE ENGINEER 24 HOURS BEFORE STARTING CONSTRUCTION OR BEFORE ANY WORK AFTER SHOUTDOWN, EXCEPT FOR NORMAL RESUMPTION OF WORK FOLLOWING SUNDAYS OR HOLIDAYS.
6. THE CONTRACTOR SHALL ASSIST THE ENGINEER IN PREPARING AS-CONSTRUCTED DRAWINGS.
7. ONLY AFTER ALL HOUSES ARE CONSTRUCTED.

ENGINEER'S NOTE TO THE CONTRACTOR

EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE DRAWINGS ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS, DEPTHS, LOCATIONS AND DIMENSIONS OF EXISTING UTILITIES AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

CLINTON STREET PARTITION
 TAX MAP 152C108B
 TAX LOT 7400
 CITY OF PORTLAND

COVER SHEET

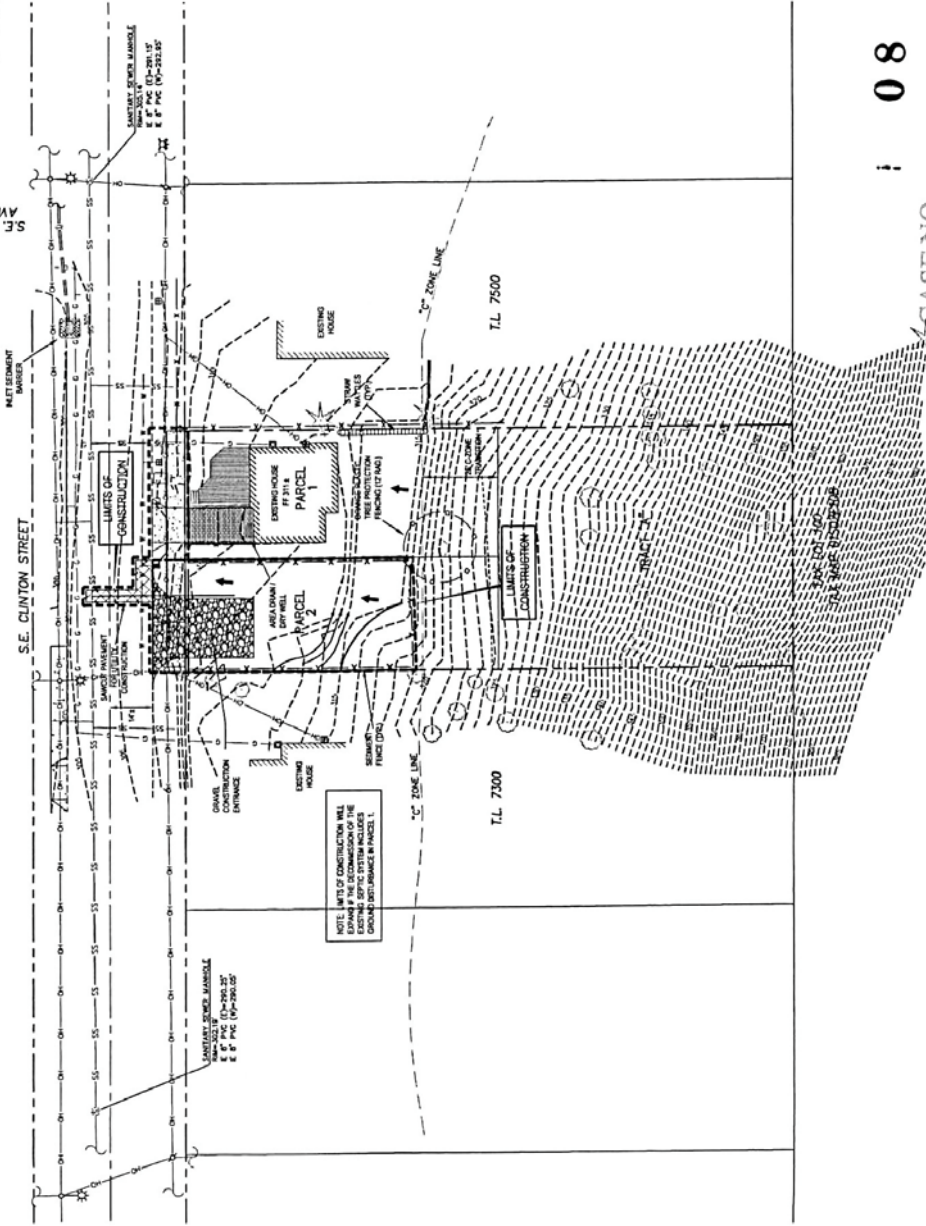
REVISIONS

EMERIO
 6107 SW MURRAY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 515-5528

CASE NO. 08 10774
 EXHIBIT C.1

SHEET
 1 OF 5

1 ft. dedication not required.



CASE NO. 08 107744

EXHIBIT C.2

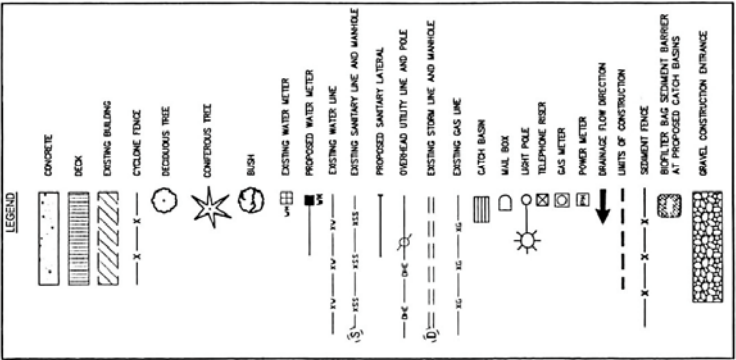
CLINTON STREET PARTITION
TAX MAP 152E108B
TAX LOT 7400
CITY OF PORTLAND

PRELIMINARY GRADING,
EROSION CONTROL PLAN

NO.	DATE	REVISIONS

EMERIO
6107 SW MURRAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 518-5528

SHEET 3 OF 5

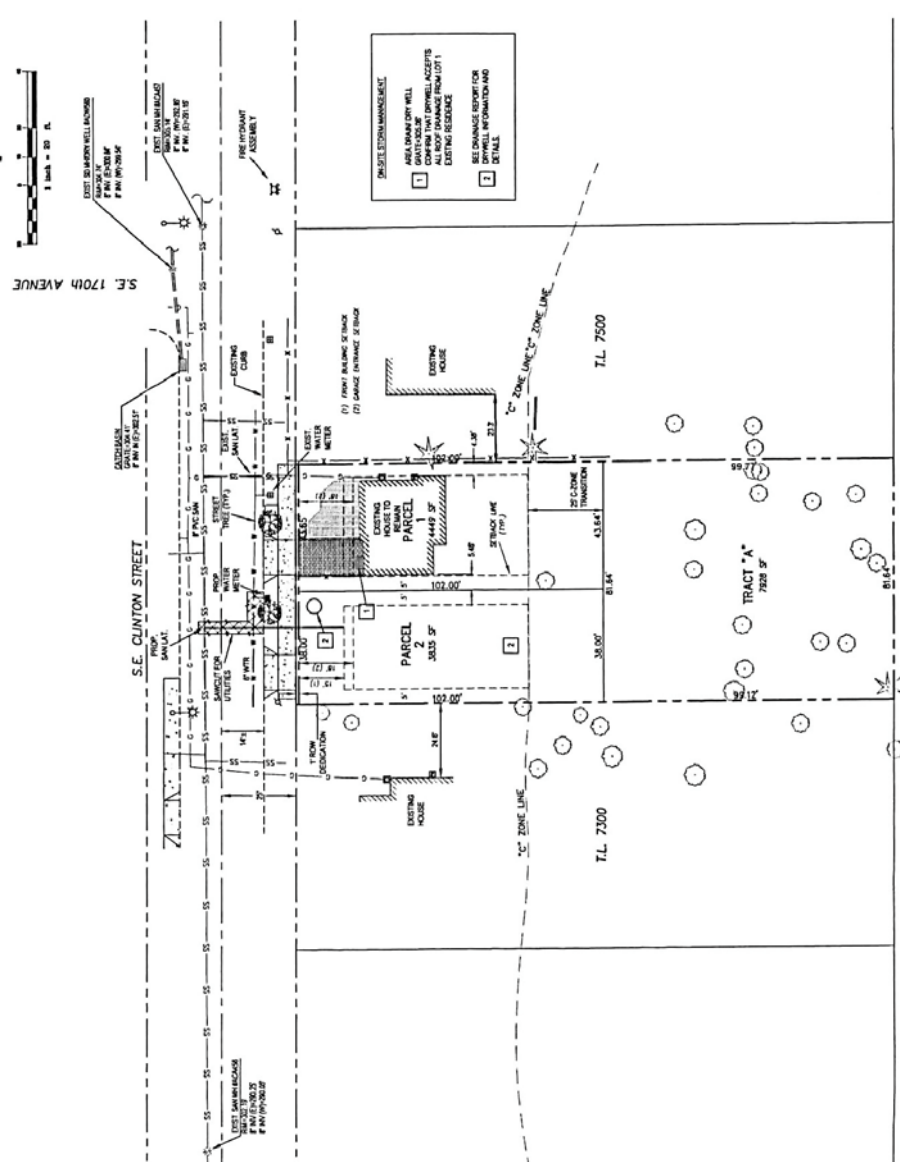


GRADING NOTES
ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS AS REVISED PERMITS.
PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE CITY OF PORTLAND.
THESE GRADING NOTES ARE FOR INFORMATION ONLY. THE GRADING NOTES DO NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.
THESE GRADING NOTES ARE FOR INFORMATION ONLY. THE GRADING NOTES DO NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.
THESE GRADING NOTES ARE FOR INFORMATION ONLY. THE GRADING NOTES DO NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

SEE SHEET 5 FOR EROSION CONTROL NOTES AND DETAILS

EXHIBIT C.2
SURVEYING INC. DATED MARCH 28, 2017

1 ft. dedication not required.



TAX LOT 100
TAX MAP 01502E108

CLINTON STREET PARTITION
TAX MAP 152E108B
TAX LOT 7400

PROPOSED DEVELOPMENT
PLAN

REVISIONS

NO.	DATE	DESCRIPTION

EMERIG
6107 SW MURRAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 913-9328

CASE NO. **11008 107244**
EXHIBIT **C.3**

1. THIS WORK TO BE EXECUTED UNDER CITY OF PORTLAND OPENING

- ### SANITARY SEWER & STORM DRAIN NOTES

- [illegible]

6. Approval of this process, subcommittee and fullboard consent plan (SMP) does not constitute an approval of performance goal or strategy. Steps to e.g., size and increase of staff, paper, interviews, church, retirement facilities, salaries, etc.

- [illegible]

Standard of Nigres for Sediment Parameters

- [illegible]



NOTE:
RECESSED CUMED BUT MUST BE BLOCKED WHEN USING FILTER FABRIC INLET SACKS.
SIZE OF FILTER FABRIC INLET SACK TO BE DETERMINED BY MANUFACTURER.



REVISIONS	DATE	DESCRIPTION

GRADING AND EROSION CONTROL
NOTES AND DETAILS

CLINTON STREET PARTITION
TAX MAP 152E10BB
TAX LOT 7400
CITY OF PORTLAND

EMERIO
Designs
6107 SW MURRAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-5528

CASE NO. **U08 107744**
EXHIBIT **C.5**

5	5	5
5	5	5