



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 24, 2009
To: Interested Person
From: Nizar Slim, Land Use Services
503-823-7848 / nizars@ci.portland.or.us

NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-163903 LDP

GENERAL INFORMATION

Applicant: Fox Capital Corp
7100 SW Hampton St #221
Portland, OR 97223-8364

Representative: Steve Bloomquist,
Harris Mcmonagle Assoc
8740 SW Scoffins St
Tigard, OR 97223

Site Address: 5028 SE 128TH AVE

Legal Description: TL 1400 0.49 ACRES, SECTION 14 1 S 2 E
Tax Account No.: R992142040
State ID No.: 1S2E14BD 01400 **Qtr. Section:** 3543

Neighborhood: Powellhurst-Gilbert, contact James Chasse at 503-762-0863.
Business District: Midway, contact Donna Dionne at 503-252-2017.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin (no subdistrict)
Zoning: R10 - Residential 10000
Case Type: LDP (Land Division, Partition)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to divide an existing 21,484 sq. ft. lot into two parcels sized at 11,715 s.f. (Parcel 1) and 9,132 s.f. (Parcel 2) with a small portion dedicated to SE 128th Ave. There is an existing house with an attached garage that will remain on Parcel 1. Several trees on site will be addressed through the Land Division review.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010).

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria found in section **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

ANALYSIS

Site and Vicinity: The site has an existing single story house with attached garage and larger yard on relatively flat ground. There are several trees on and around the lot.

The surrounding neighborhood has been developed with similar 1-2 story houses built on larger lots with ample yard space. The area also has newer residential development on smaller lots resulting from larger land subdivisions.

Zoning: The R10 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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. *The site is not in any sub-district of this plan and there are no specific impacts on this land division due to its location in this plan district.*

Land Use History: City records show a prior land use review MCF LD 23-80 for this site. The review was for a 2-lot partition. The previous conditions continue to apply to the site and must be upheld. Generally, most of the conditions required for the historic Land Division have been met or satisfied in some fashion. However, a few have never been fully completed or are in some conflict with the current proposal. Since there is no proposed amendment of case MCF LD 23-80, these conditions need to be upheld in a way which allows both decisions to stand. The following is a review of those conditions in question and findings for their relevance to this decision:

Old Condition:

8. Provide the following "on-site" improvements:

A. Improve the temporary easement portion of the westerly parcel which is 16 feet in width, to the following minimum standards:

(1) Paving, ten feet in width, to provide a dustless all-weather surface capable of carrying a wheel load of four thousand pounds which can be either:

a. A two-inch thickness of asphaltic concrete paving on a four to six inch base of crushed rock, or

b. The equivalent to "a" above in Portland cement concrete on a suitably prepared base.

Findings: A site visit conducted on September 24, 2008, revealed that the driveway access had not been paved as noted above. Since the previous land division required the continued use for access by the adjacent property to the east; and, as the current proposal indicates a further utilization for access by the proposed Parcel 2 (discussed late in the report), it is

necessary for the access easement to be improved with a paved surface intended for vehicle access. Since this improvement is better suited during the construction of improvements for Parcel 2, the condition shall be met at time of development. Further, pervious pavers shall be used and are allowed as a substitute for the material stated in the previous condition because it meets the intent of the condition and mitigates for the creation of the additional stormwater run-off which may not have been considered during the original review.

Old Condition:

B. The residences on both parcels are to be provided with extra parking since parking in the public right-of-way is limited:

- (1) The easterly parcel is to have a minimum of three uncovered parking spaces.
- (2) The westerly (i.e. "front") parcel is to have at least two uncovered parking spaces (three is suggested).
- (3) The off-street parking spaces are to be hard surfaced and must not encroach into the required yard setback areas.

Findings: In this case, "the westerly (i.e. "front") parcel" refers to the current site under review. The parking spaces have been established as the condition required; however, due to the new partition the previously allowed paving limitation is no longer acceptable within the new front yard configuration for Parcel 1 (the existing house). Further, the current placement of the uncovered space may not have met the setback requirements. Therefore, parking spaces need to be maintained for either Parcel 1 or 2 (since both comprise the "westerly lot") in a manner that meets BOTH the historic condition and current development standards. The new proposal for partition does show two uncovered spaces to be used by Parcel 2 (previously part of the westerly lot) in an area that is outside the setbacks. This upholds the previous condition of approval and shall be constructed at time of development for Parcel 2. The surface of the parking spaces and drive shall be paved with pervious pavers.

Old Condition:

9. Record deed restrictions with the final partition map which:

C. Establish the "temporary easement" across the southerly portion of the front (or westerly) parcel as the private drive for the easterly parcel:

- (1) This drive is to be temporary in nature until such time as SE 129th Avenue is constructed providing suitable access.
- (2) The easement granted to the easterly parcel is then to be terminated (ie to become null and void) with all ingress and egress being derived from the new County Road.

Findings: Tax Lot 1500 continues to be served by this easement utilizing it for utilities and vehicle access. To this date, there are no plans to improve SE 129th Ave and it remains only as a partial paper dedication. Therefore, the easement needs to continue intact but also needs to incorporate language which would acknowledge improvements made to the easement.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **November 19, 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: One written response has been received from a notified property owner in response to the proposal. The main objections noted in that response are as follows:

Issue Noted: (Acknowledging) the potential for Parcel 2 to build a 2-story house...

Staff Response: It was not clear in the neighbor's letter, but it is assumed that there was an objection to potential mass and height of a 2-story house. Two-story houses are allowed and are consistent with residential housing types in the R10 zone as long as they meet the height limitation along with other development standards.

Issue Noted: The easement is being reduced from 14 feet to 12 feet...

Staff Response: The easement width is actually 16 feet wide and is remaining the same. The origination of the referenced 12-foot dimension is unclear. A paved driveway would be located within the 16-foot (unchanged) easement. The previous condition (MCF LD 23—80) requires that driveway to be a minimum of 10 feet. However, fire code typically requires 12 feet when accessing two lots. This driveway must be installed at time of development for Parcel 2.

Issue Noted: Additional parking spaces on Parcel 2 appear to be for a multi-family developing...

Staff Response: The two additional parking spaces on Parcel 2 are a requirement of a previous Land Division review, MCF LD 23-80 and therefore, continue to apply. Single family development is allowed more than one space per household regardless of the appearance, R10 is a single-family zone which does not permit multi-family development.

Issue Noted: Parcel 2 “does not have access to the easement because the easement belongs...to T/L 1500”; therefore can not use it

Staff Response: The easement is actually granted by Tax Lot 1400 and can be amended so long as it upholds the previous purpose and conditions of approval related to Land Use decisions.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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	33.610	Lots	Applicable - See findings below
B	33.630	Trees	Applicable - See findings below.
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.

Criterion	Code Chapter	Topic	Applicability Findings
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 - Maintaining existing development on the site limits new parcel configuration (33.610.200 supersedes 33.639).
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 33.610 contains the density and lot standards applicable in the RF through R5 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.

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 constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (21,484 square feet * .80) ÷ 10,000 square feet = 1.72 (which rounds up to a minimum of 2 lots, per 33.930.020.A)

Maximum = 21,484 square feet ÷ 10,000 square feet = 2.15 (which rounds down to a maximum of 2 lots, per 33.930.020.B)

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1.

The applicant is proposing 2 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

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 Table 610-2 of the Zoning Code):

	R10 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	6,000 sq. ft.	11,715 sq. ft.	9,132 sq. ft.
Maximum Lot Area	17,000 sq. ft.		
Minimum Lot Width*	50 ft.	73 ft.	57 ft.
Minimum Lot Depth	60 ft.	158 ft.	158 ft.
Minimum Front Lot Line	30 ft.	73 ft.	57 ft.

* Width is measured at the minimum front building setback line

The findings above describe how the applicable lot standards are met. This criterion is therefore met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A-4). Some trees have been exempted by the arborist because they are either too small, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Significant? (On Table 630-1)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
1	Apple	28	Y	YES-Large Trunk Cavities	No	n/a
2	Black Walnut	6	N	No	No	n/a
3	Shore Pine	21	Y	YES- Borer Infestation	No	n/a
4	Port Oxford Cedar	20	Y	No	No	n/a
5	Shore Pine	17	N	No	YES	17 ft.

The total non-exempt tree diameter on the site is 43 inches. The applicant proposes to preserve Tree 5 which is comprised of 17 inches of diameter, or 39 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved tree and the required root protection zones (Exhibit C-5). This criterion is therefore 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. This criteria is 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. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

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

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 easement is required for this land division:

- A Private Access and Service Utilities easement is proposed to allow vehicle and utility access to Tax Lot 1500;

A previous land division case (MCF LD 23—80) allowed a division that resulted in two tax lots provided vehicle and utility access was granted to Tax Lot 1500. Since Tax Lot 1400 (the subject site) is proposed for division, the existing easement needs to be replaced with a new one establishing the responsibility and encumbrance for proposed Parcel 2. In addition, the new easement and maintenance agreement works to acknowledge the existing utilities serving TL 1500.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easement 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 with a recording block, substantially similar to the following example:

"A Declaration of Maintenance Agreement for Private Access and Service Utilities 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 131 feet of frontage on SE 128th Avenue. SE 128th Avenue is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 700 feet from the site on SE Harold via bus 10. Parking is currently allowed on SE 128th Avenue, on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house and a second that provides access to an adjacent lot to the rear.

SE 128th Avenue is improved with a paved roadway, and a gravel shoulder on both sides. 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 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, one additional dwelling 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 shown on the 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 128th Avenue. Water is available to serve the proposed development from the water main in SE 128th Avenue. Parcel 1 has an existing water service from that main; however, it falls within the boundary of proposed Parcel 2. In order to meet City code, the existing house on proposed Parcel 1 will need to disconnect and establish a new service located in front of the Parcel it serves. The existing service can be used to serve the future development on Parcel 2 but may need to be resized. The applicant must make arrangements to establish a new water meter in SE 128th Avenue to ensure service is available to Parcel 1. In order to meet the standards of 33.651 and the technical requirements of Title 21, a supplemental plan showing proposed utilities and fees must be provided to the Water Bureau 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 128th Avenue that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from that main. See Exhibit E-1 for more details.
- 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. The site meets the through street and pedestrian connectivity requirements because it is within 113 feet of an

intersecting east/west cross street, SE Raymond. Generally, through streets should not be more than 530 feet apart. 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 E), 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 an 8-foot wide infiltration swale 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 swale 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 on the final plat.

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

- **Parcels 2:** Stormwater from this lot will be directed to an individual soakage trench that will treat the water and slowly infiltrate it into the ground. This lot 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 has indicated conceptual approval of the soakage trench.

- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that are connected to underground pipes. Subsurface sewage disposal permit 5012 dated 4/04/79 shows a drywell located 10 feet south of the existing house. This drywell will not meet setback requirements to the proposed new property line. Prior to final plat approval the drywell must be decommissioned, and final approval of a decommissioning permit will be required. All downspouts and rain drains must be redirected to approved stormwater facilities that meet required setbacks; Site Development has approved the conceptual use of soakage trenches for this lot. If a plumbing permit is required to modify the existing rain drain system and install new subsurface or surface infiltration facilities, then the permit must be finalized 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 existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R10 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house a patio cover will be zero feet from the new property line. This does not meet the R10 side setback standard of 10 feet. In order for the proposed new lots to meet this standard, the overhang and any part of the house structure on Parcel 1 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Maximum Front-Yard Paving Limitation- No more than 40% of the land area located between the front lot line and the front building line may be paved or

used for vehicle area. Currently, there are parking spaces located in the front setback. This does not meet the development standards for houses. In order for the proposed new lots to meet this standard, the paving associated with the additional parking on Parcel 1 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A garage provides this required parking for the existing house on Parcel 1. There are additional parking requirements based on conditions of approval for a previous land division decision. That approval required two additional uncovered parking spaces to be established for the lot created. In order to ensure that the parking requirement continues to be met, two new parking space for the new house must be constructed on Parcel 2 at time of development. Permits must be obtained to construct a new parking spaces. Documentation of final inspection of these new parking spaces will be required at time of finalizing house permitting.

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.

- The applicant must meet the requirements of Urban Forestry for street tree planting in the new planter strip or swale as part of the required improvements by transportation adjacent to Parcel 1, prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plans (Exhibit C-1 thru 5). 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: On-site stormwater disposal, Street Dedication, Tree Preservation, Access and Utility Easement, and Removal of Structure within side setback.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-lot partition, that will result in two regular lots; Parcel 1 retaining the existing house and attached garage and Parcel 2 to be developed with a detached house as illustrated with Exhibit C-1 thru 5, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints/driveway and stormwater facilities for the vacant lot.
- The proposed location of proposed service utilities
- As built location of the new soakage trench (for existing house)
- 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 128th Ave. The required right-of-way dedication must be shown on the final plat.
2. A private access and service utilities easement, for the benefit of Tax Lot 1500 shall be shown and labeled over the relevant portions of Parcel 2. The proposed easement will retain the provisions made in the current easement while acknowledging the additional improvements not mentioned in the original maintenance agreement.
3. A recording block for the maintenance agreement as required by Condition C-7 below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Access and Service Utilities 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 128th Avenue. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing cesspool on the site.
3. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home.

Existing Development

4. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with the following standards in relation to the proposed new lot lines:
 - 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the attached patio cover to meet the side setback requirement of 10 feet in the R10 zone);
 - 33.266.120.C.3.a. Front Yard Paving limitation –Specifically, the permit must show removal of the paved parking area located in the front of the house, so that it meets the current paving limitations and allowed area for vehicle parking.

Alternately, the applicant must obtain an approved Adjustment to these standards prior to final plat approval.

5. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. Modifications to the system and installation of soakage trenches are required to be in substantial conformance to Exhibit E-6, pages 1-3. The applicant must obtain finalized plumbing permits for this work prior to final plat approval. ■
6. The applicant must plant street tree(s) in the planter strip or swale on SE 128th Avenue adjacent to Parcel 1. Street trees will be chosen from the City's approved street tree list for the 8-foot wide swale/planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

Required Legal Documents

7. A Maintenance Agreement shall be executed for the Private Access and Service Utilities Easement area described in Condition B-2 above. The agreement shall include provisions assigning maintenance responsibilities for the easement 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:

8. Development on Parcel 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-5) and the applicant's arborist report (Exhibit A-4). Specifically, tree numbered 5 is required to be preserved, with the root protection zones indicated on Exhibit C-5. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an

arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision. The report from an arborist and any revisions to permit plans reflecting new root protection zones must be submitted and approved by Planning and Zoning prior to any working occurring in the root protection zone. If work is conducted in the RPZ and Planning & Zoning approval is not obtained before the work begins and the tree subsequently falls, it may result in a violation.

9. A private driveway paved with pervious pavers shall be constructed along the southern portion of Parcel 2 within the existing easement. The width of the driveway shall be no less than 12 feet wide and will extend to a point that includes access to TWO uncovered parking spaces serving Parcel 2 (these are in addition to the required parking space for future development). A copy of the final inspection approval of a Zoning Permit shall be submitted, documenting that the parking spaces have been installed within the area to become Parcel 2. The new parking space must also be shown on the supplemental plan.

Decision rendered by: NJS **on April 22, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) April 24, 2009.

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 September 18, 2008, and was determined to be complete on November 6, 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 September 18, 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 waived the 120-day review period, as stated with Exhibit A-7.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City’s homepage on the Internet at www.portlandonline.com.

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

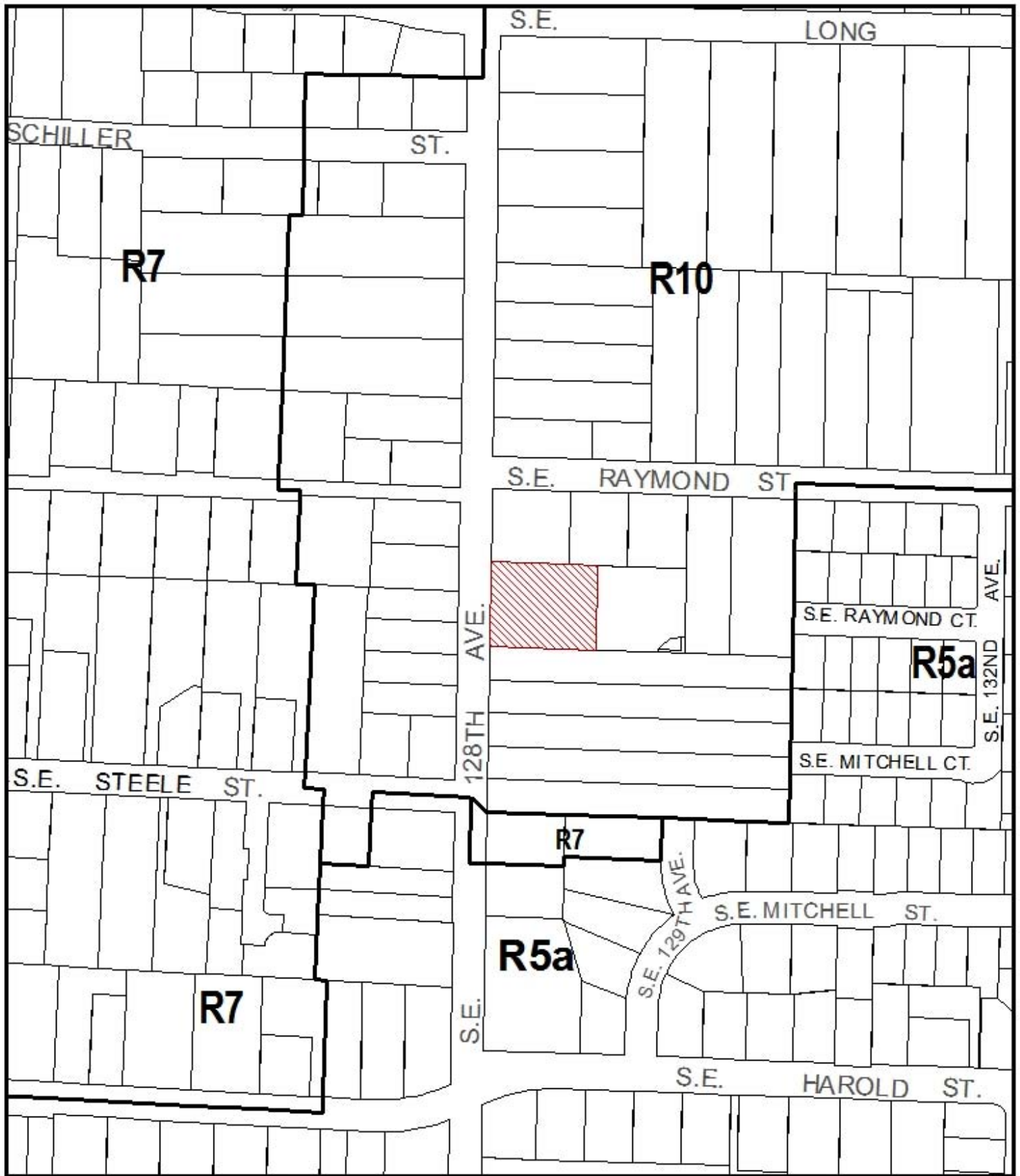
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Narrative
 - 2. Revised section of Narrative
 - 3. Geo-tech report
 - 4. Arborist Report
 - 5. Response to Incomplete Letter (1-22-09)
 - 6. Response to Incomplete Letter (11-05-08)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Plat (attached)
 - 4. Site Development Plan (attached)
 - 5. Tree Preservation Plan (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 and Life Safety Section of BDS
 - 5. Site Development Review Section of BDS
 - 6. Stormwater disposal Plan per Site Development (attached)
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence:

1. Dallas Mulkey, 11-19-09 , opposition
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Incomplete Letter
 4. History Land Use Case

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Site



NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

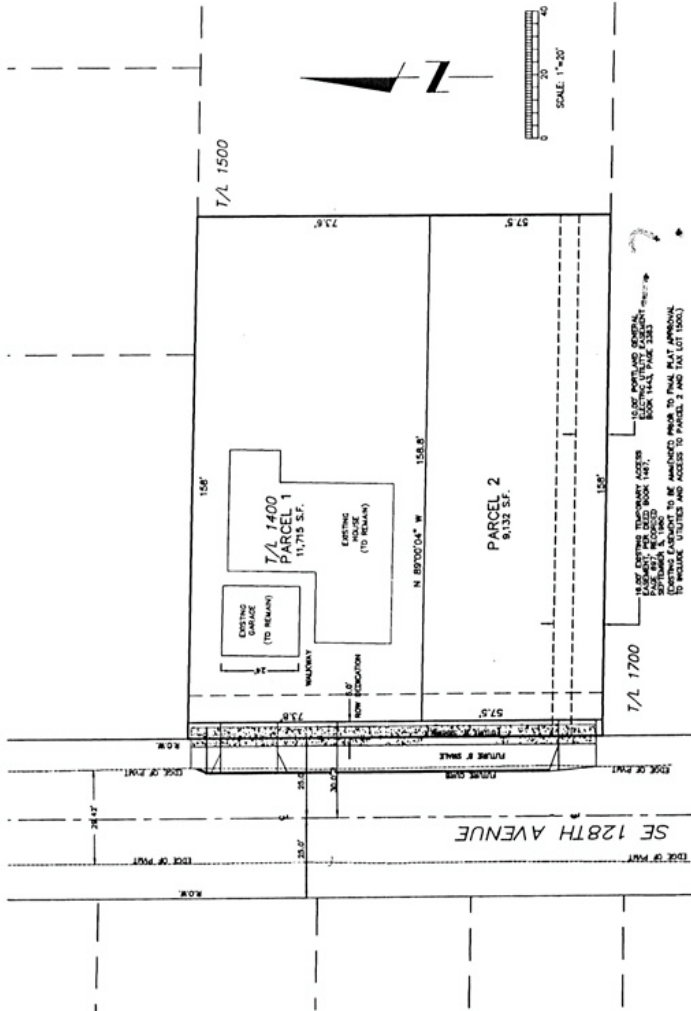
File No.	LU 08-163903 LDP
1/4 Section	3543
Scale	1 inch = 200 feet
State_Id	1S2E14BD 1400
Exhibit	B (Sep 23, 2008)

RECEIVED

FEB 20 2009

SE 128TH AVENUE PARTITION DEVELOPMENT REVIEW PLANS

LOCATED IN THE NW 1/4 OF SECTION 14, TOWNSHIP 1 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON

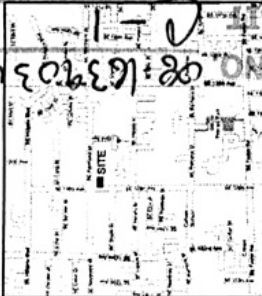


APPLICANT:
FOX CAPITAL GROUP LLC
1700 SW HARTFORD STREET, SUITE 201
PORTLAND, OREGON 97239
PHONE: (503) 234-1112
CONTACT: STEVE FOX

ARBORIST:
TREE CARE AND LANDSCAPES
UNLIMITED
P.O. BOX 1506
PORTLAND, OREGON 97208
PHONE: (503) 833-8333
CONTACT: RAY AYER

ENGINEER-SURVEYOR:
HARRIS-MCMONAGLE ASSOC., INC.
1700 SW HARTFORD STREET, SUITE 201
PORTLAND, OREGON 97239
PHONE: (503) 234-1112
CONTACT: STEVE BLOOMQUIST

VICINITY MAP
NO SCALE



SITE INFORMATION
TAX MAP 15 SE 1480, TAX LOT 1400
CITY OF PORTLAND ZONING: R-10
TAX LOT 1400: 0.49 ACRES
21,503 S.F. PER CALCULATED
BOUNDARY

DENSITY CALCULATIONS
GROSS SITE AREA= 21,503 S.F.
MAXIMUM DENSITY:
21,503 S.F./10,000 S.F./UNIT
= 2.15 = 2 UNITS
MINIMUM DENSITY: 80% OF MAXIMUM = 1 UNIT

PROPOSED DENSITY: 2 UNITS
MINIMUM LOT AREA= 6,000 S.F.
PROPOSED MINIMUM LOT AREA= 10,006 S.F.
MAXIMUM LOT AREA= 17,000 S.F.
PROPOSED MAXIMUM LOT AREA= 11,104 S.F.

SHEET INDEX

COVER SHEET AND VICINITY MAP	1 OF 5
SURVEYED BASE PLAN AND EXISTING CONDITIONS PLAN	2 OF 5
PRELIMINARY PARTITION PLAT	3 OF 5
SITE DEVELOPMENT PLAN	4 OF 5
TREE PRESERVATION PLAN	5 OF 5

REVISED: FEBRUARY 10, 2009

SE 128TH PARTITION 5028 SE 128TH AVE. COVER SHEET AND VICINITY MAP		FOX CAPITAL GROUP LLC 2100 SW HARTFORD STREET, SUITE 201 PORTLAND, OR 97239 HARRIS-MCMONAGLE ASSOCIATES, INC. ENGINEERS - SURVEYORS 1700 SW HARTFORD STREET, SUITE 201 PORTLAND, OR 97239 PHONE: (503) 234-1112 FAX: (503) 234-1113		DATE 1/15/09 CHECKED TCM DRAWN TCM DESIGN TCM	REFER TO TRACKING FOR LATEST REVISION REV. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000
---	--	---	--	--	--

RECEIVED
FEB 26 2009

By _____

REV	DATE	DESCRIPTION
1	02/17/09	REVISION FOR CITY COMMENTS
2	02/19/09	REVISION FOR CITY COMMENTS

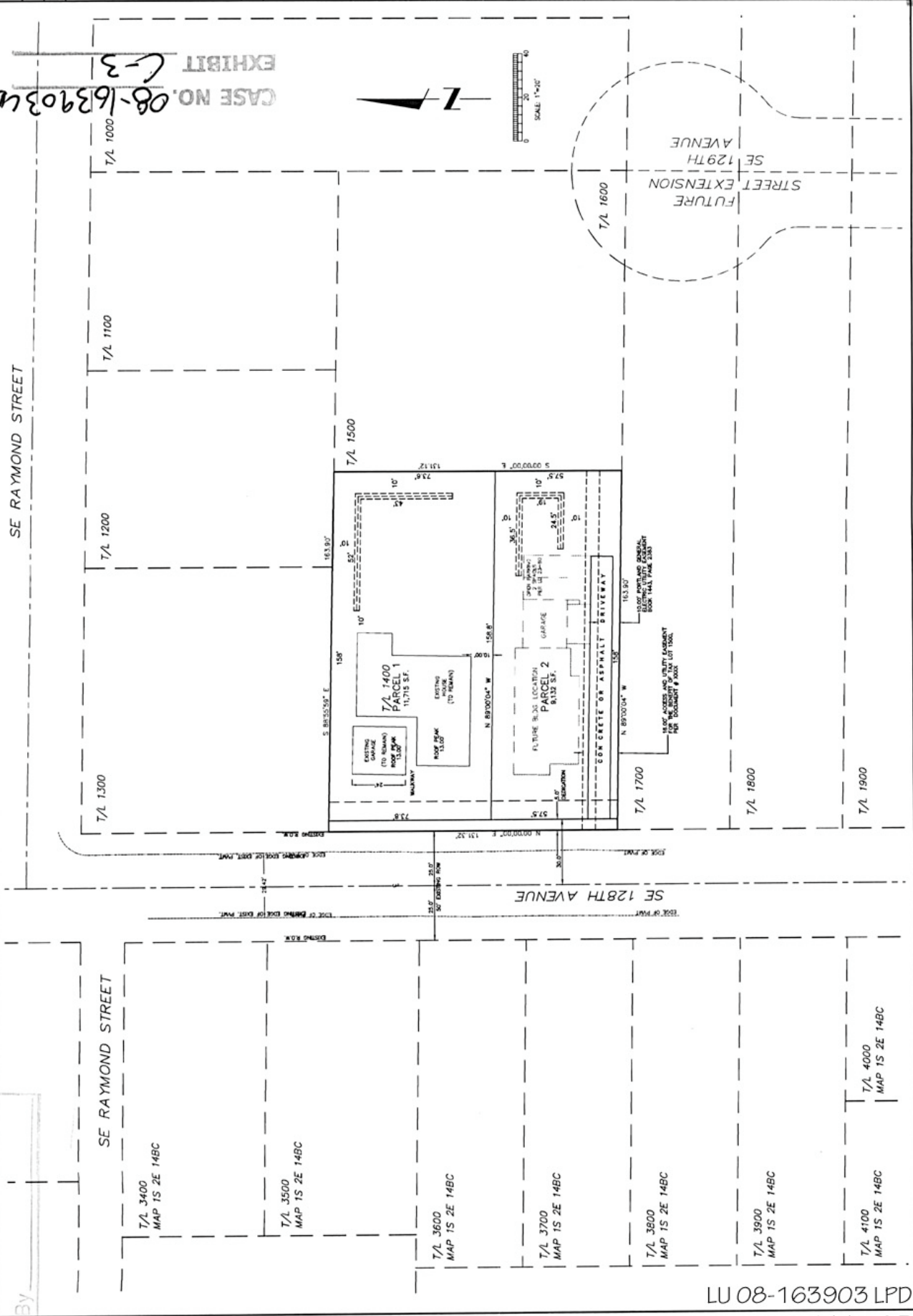
DATE	2/25/09
DESIGN	TCM
CHECKED	TCM
DATE	2/25/09

FOX CAPITAL GROUP LLC
7100 SW HAMPTON STREET, SUITE 201
TACOMA, OR 97233
503-213-6112
HARRIS-MONAGHAN ASSOCIATES, INC.
ENGINEERS & ARCHITECTS
12000 SW 10TH AVE., SUITE 100
TACOMA, OR 97233
PHONE: (503) 833-0433

SCALE AS SHOWN
DATE NAME
PRE-PLANNING
SHEET

3 of 5

2/26/09

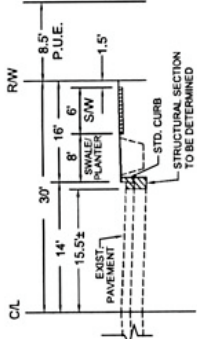


LU 08-163903 LPD

Exhibit C.3

RECEIVED
FEB 26 2009

- LEGEND**
- EXISTING GRADE CENTER (GTC)
 - EXISTING GRADE CENTER (GTC)
 - EXISTING STREET BLK
 - EXISTING WATER LINE
 - EXISTING STORM BLK

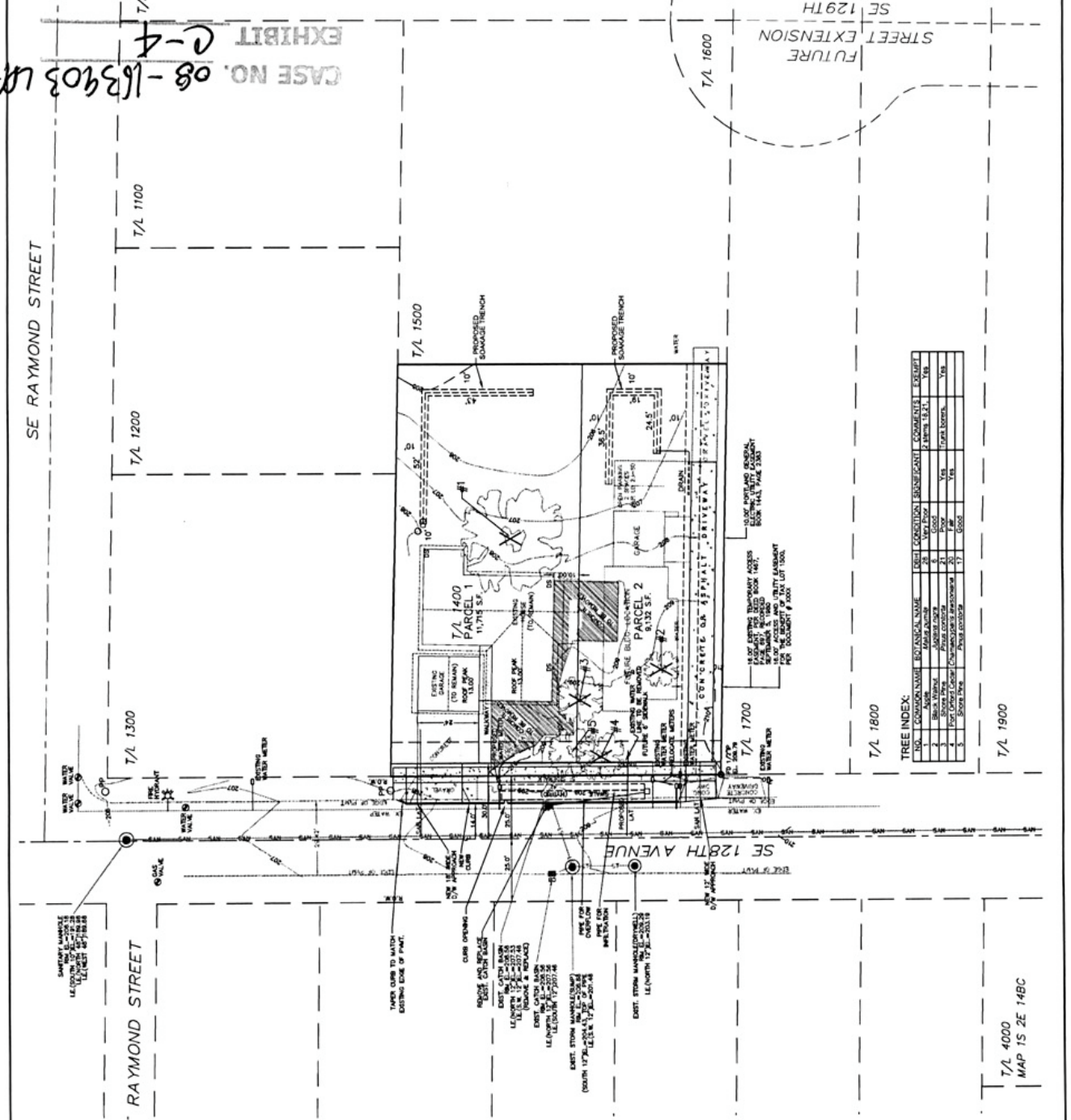


TYPICAL HALF-STREET CROSS SECTION
NO SCALE



LU 08-163903 LDP
Exhibit C.4

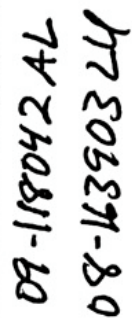
FOX CAPITAL GROUP LLC 7100 SW HAMPTON STREET, SUITE 201 PORTLAND, OR 97239 503-213-8112 ENGINEERS & ARCHITECTS		HARRIS-McMONAGLE ASSOCIATES, INC. 12005 SW HWY 100 SUITE 100 PORTLAND, OR 97223-4503 PHONE (503) 838-3403		DATE: 1/16/09 DRAWN: TCU CHECKED: TCU DESIGNED: TCU
SITE DEVELOPMENT PLAN SE 128TH PARTITION 5028 SE 128TH AVE. SHEET 4 of 5				



TREE INDEX:

NO.	COMMON NAME	BOTANICAL NAME	HEIGHT	CORRELATION	SPACING	COMMENTS	EXAMPLE
1	Redwood	Sequoia sempervirens	100'	100'	100'	100'	Yes
2	Douglas Fir	Pseudotsuga mucronata	80'	80'	80'	80'	Yes
3	Western Red Cedar	Thuja plicata	60'	60'	60'	60'	Yes
4	Western Juniper	Juniperus occidentalis	40'	40'	40'	40'	Yes
5	Western Yew	Taxus canadensis	30'	30'	30'	30'	Yes

2/26/09



-16.00' EXISTING TEMPORARY ACCESS
EASEMENT, PER DEED BOOK 1487,
PAGE 697. RECORDED

SEPTEMBER 5, 1980
(EXISTING EASEMENT TO BE AMENDED PRIOR TO FINAL PLAT APPROVAL
TO INCLUDE UTILITIES AND ACCESS TO PARCEL 2 AND TAX LOT 1500.)