



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

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www.portlandonline.com/bds

Date: December 7, 2010
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@portlandoregon.gov

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 10-109165 LDP

GENERAL INFORMATION

Applicant: Leonid & Sergey Fesik
2368 SE 117th Avenue
Portland, OR 97216-4025

Representative: Mildred White
BAMA Architecture & Design
731 NE 69th Avenue
Portland, OR 97213

Site Address: 2368 SE 117th Avenue

Legal Description: LOT 4 TL 9900, D & O LITTLE HMS SUB 1
Tax Account No.: R202500760
State ID No.: 1S2E03DD 09900
Quarter Section: 3242
Neighborhood: Mill Park, contact Rosemary Opp at 503-256-4591.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: None
Zoning: Residential 7,000 (R7) w/ Alternative Design Density Overlay (a)
Case Type: Land Division Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicants are requesting to partition the subject property into two parcels of approximately 7,560 (Parcel 1) and 9,220 (Parcel 2) square feet in size. A 48-inch Douglas fir will be retained on Parcel 2 for compliance with tree preservation standards.

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). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

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

FACTS

Site and Vicinity: The land division site is located on the east side of SE 117th Avenue approximately 220 feet north of the intersection with SE Division Street. Existing improvements consist a single family dwelling that will be retained within Parcel 2 and a detached garage that will be removed prior to creation of the parcels. Four trees are located within the land division site subject to preservation standards. The vicinity is comprised of a mix of single and multi-family development with commercial uses concentrated along SE Division Street.

Infrastructure:

- **Streets** – The site has approximately 100 feet of frontage on SE 117th Avenue. There is one driveway entering the site that serves the existing house. At this location, SE 117th Avenue is classified as a City Walkway and Local Service Street for all modes in the TSP. Tri-Met provides frequent transit service approximately 220 feet south of the site on SE Division Street via Bus #4. Parking is currently allowed on both sides of SE 117th Avenue. At this location, SE 117th Avenue is improved with a 24 foot paved roadway surface within a 55 foot wide right-of-way. There are no curb or sidewalk improvements along the sites frontage.
- **Water Service** – There is an existing 4-inch CI water main in SE 117th Avenue. The existing house is served by a 5/8-inch metered service from the main.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary gravity sewer line in SE 117th Avenue.

Zoning: The R7 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 “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 15, 2010**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The applicant is proposing 2 single family parcels.

Minimum = (16,780 square feet * .80) ÷ 7,000 square feet = 1.91 (which rounds up to a minimum of 2 parcels, per 33.930.020.A)

Maximum = 16,780 square feet ÷ 7,000 square feet = 2.39 (which rounds down to a maximum of 2 parcels, 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 parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R7 Zone	4,200	12,000	40	55	30
Parcel 1	7,560 sq. ft.**		45 ft.	167.95 ft.	45 ft.
Parcel 2	9,220 sq. ft.**		54.9 ft.	167.95 ft.	54.9 ft.

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

** Lot areas reflect street dedication discussed later in this report.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is 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-2). Trees #2 (48" Douglas fir) is proposed to be retained.

The total non-exempt tree diameter on the site is 76 inches. The applicant proposes to preserve tree #2, which is 48 inches in diameter, or 63 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 Preliminary Clearing, Grading, Erosion Control and Improvements Plan showing the preserved tree and the required root protection zone (Exhibit C-3).

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

This criterion is met, subject to the condition that development on Parcel 2 be carried out in conformance with the Preliminary Clearing, Grading, Erosion Control and Improvements Plan (Exhibit C-3) and the applicant's arborist report (Exhibit A-2) and an acknowledgement of tree preservation requirements is recorded with the final plat.

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

Findings:

Clearing and Grading

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 criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. A decommissioning permit (10-182957 SE) has been issued, but the work has not yet been completed. Prior to final plat approval, the applicant must obtain final approval of a decommissioning permit. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

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

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

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. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.
The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SE 117 th Avenue. Parcel 2 has an existing water service from that main.
33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch PVC public sanitary gravity sewer line located in SE 117 th Avenue that can serve the sanitary needs of the proposed lots. Parcel 2 has an existing sewer service from that main.
33.653.020 & .030 Stormwater Management criteria and standards- See Exhibits E.1 & E.5
BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:
<ul style="list-style-type: none"> • Public Street Improvements: 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.

- **Parcel 1:** Stormwater from this lot will be directed to an individual soakage trench or drywell 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. The Bureau of Environmental Services has approved on site infiltration for this property.
- **Parcel 2 (the parcel with the existing house):** The existing house has downspouts that drain onto the ground. The Bureau of Environmental Services has indicated that disposal points of the existing stormwater system will be located outside of required setbacks. Therefore, the existing stormwater system meets the requirements of the Stormwater Management Manual and no alterations are required.

33.654.110.B.1 -Through streets and pedestrian connections

33.654.130.B - Extension of existing public dead-end streets & pedestrian connections

33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located does not meet the noted spacing requirements. Therefore, there should be an east-west through street provided in the vicinity of the site. However, the Bureau of Transportation has indicated that the land division site is located within an acceptable distance for adequate connectivity based on proximity to the nearest intersection of SE 117th Avenue and SE Division Street. In addition, adjacent lot alignments would not make this location a practical choice for requiring additional connectivity. So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection in the vicinity of the site, there is no practicable opportunity to provide them in this land division.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. The only new through pedestrian connections included in the proposal are new sidewalks along the sites SE 117th Avenue Frontage. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

For the reasons described above, this criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.B & C Width and elements of the street right-of-way

33.654.130.D Partial Rights of way

Based on the available evidence, PBOT estimates that the increase in daily trips will be less than 10 total trips per day, with the majority of trips occurring during non-peak hours (according to *Institute of Transportation Engineers – Trip Generation Manual*, 8th ed.). Other factors taken into consideration are two possible travel route directions to and from the site as well as transit service available less than 1000 feet from the site. PBOT staff has determined that there will be a minimal impact on existing facilities and capacity and that a traffic study is not required at this time (see Exhibit E-2 for a detailed analysis).

At this location, SE 117th Avenue is improved with a 24 foot paved roadway surface within a 55 foot wide right-of-way. 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.

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

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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 2. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R7 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing 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 will be 5 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 location of the existing building relative to the adjacent new lot lines.
- Accessory Structure – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 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 - A detached garage provides parking for the existing house on Parcel 2. As a result of this land division, the parking space for the existing house will be located on a different lot, and will no longer be available to Parcel 2. The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 220 feet from the site on SE Division Street via bus number #4. Bus number #4 provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 2.

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 and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
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 www.portlandonline.com/bds

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 the Fire Bureau in regards to aerial Fire Department access roads. This requirement is based on the technical standards of Title 31 and Oregon Fire Code. See Exhibit E-4 for more details.

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: right-of-way improvements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2 parcel partition that will result in one parcel that will retain the existing house (Parcel 2) and one parcel that will be made available for development consistent with the R7 zone, as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 117th Avenue. The required right-of-way dedication must be shown on the final plat.

2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B-4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

B. The following must occur prior to Final Plat approval:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SE 117th Avenue frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation 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 sanitary sewer system on the site.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the detached garage that straddles the proposed property line.


Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcel 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Parcel shall be in conformance with the Preliminary Clearing, Grading, Erosion Control and Improvements Plan (Exhibit C-3) and the applicant's arborist report (Exhibit A-2). Specifically, tree number 2 (48" Douglas fir) is required to be preserved, with the root protection zones indicated on Exhibit C-3. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur 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.
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Sean Williams

Decision rendered by:  on December 3, 2010
By authority of the Director of the Bureau of Development Services

Decision mailed: December 7, 2010

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 April 14, 2010, and was determined to be complete on October 11, 2010.

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 April 14, 2010.

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 requested that the 120-day review period be extended for 21 days, as stated with Exhibit G-4. Unless further extended by the applicant, **the 120 days will expire on: March 1, 2011.**

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 are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services.

Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

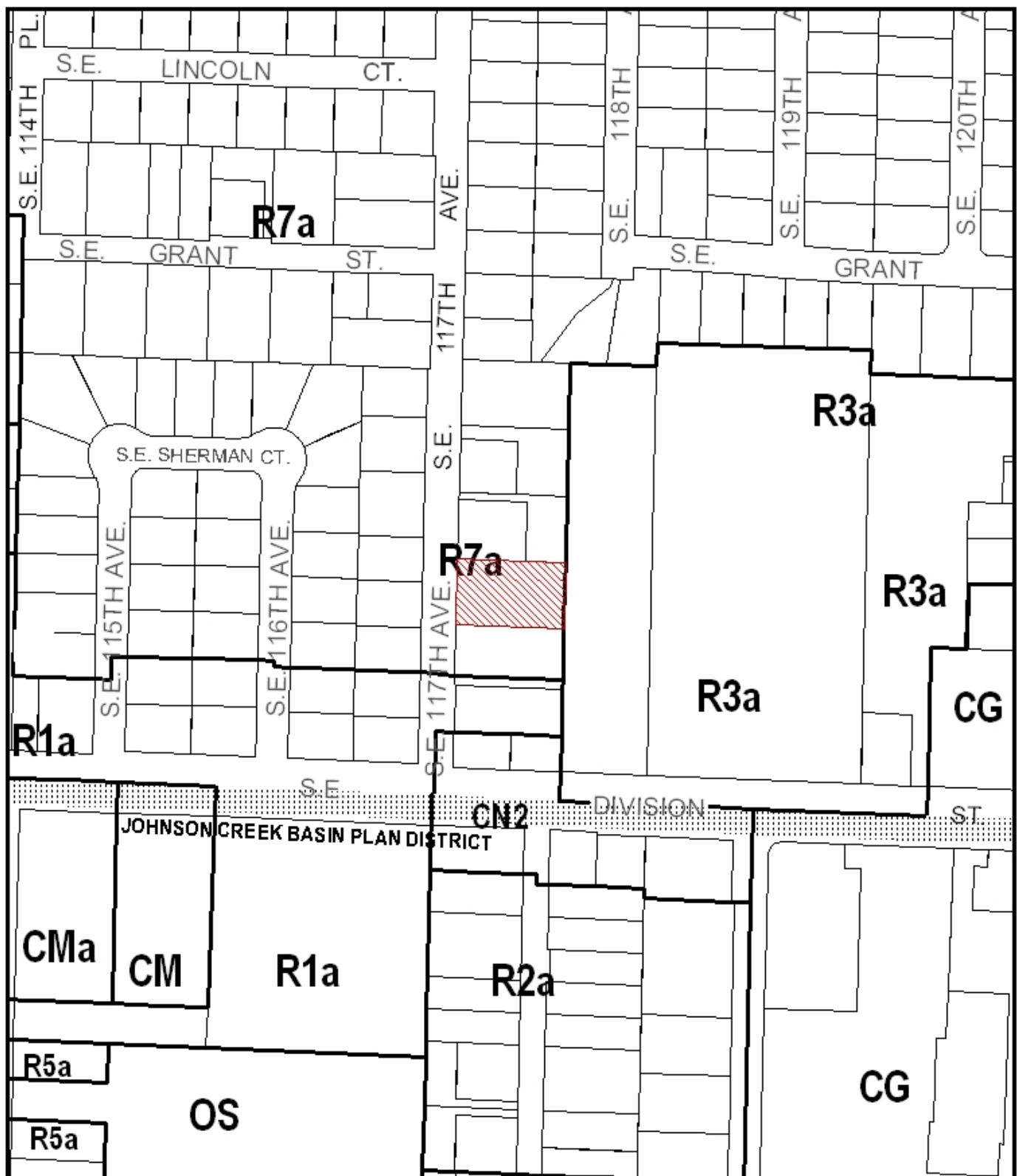
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Land Division Approval Criteria
 - 2. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Tentative Partition Map (attached)
 - 2. Existing Conditions Map
 - 3. Preliminary Clearing, Grading, Erosion Control and Improvements 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
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans Examiner
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. Request for Extension of 120-Day Review Period

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site



NORTH

File No. LU 10-109165 LDP
 1/4 Section 3242,3342
 Scale 1 inch = 200 feet
 State_Id 1S2E03DD 9900
 Exhibit B (Apr 15,2010)

LEGEND

PROPERTY LINE
LOT LINE
PROPOSED LOT LINE
CENTERLINE

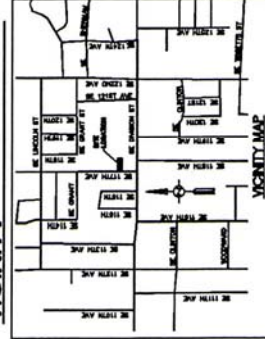
ZONING

R7a

TOTAL AREA= 16,784 SF / 0.4 ACRES

PARCEL	AREA	WIDTH	DEPTH
PARCEL 1	7,560	45.0'	167.9'
PARCEL 2	9,220	54.9'	167.9'

VICINITY



CASE NO. 10-109165

6-1

FESNIK PARTITION TENTATIVE PARTITION MAP

IN THE SE 1/4 OF SECTION 3, T1S, R2E, W.M. IN THE CITY OF
PORTLAND, MULTNOMAH COUNTY, OREGON
DATE DECEMBER 13, 2007 SCALE 1" = 20'

SHEET INDEX

SHEET 1 OF 3 TENTATIVE PARTITION MAP
SHEET 2 OF 3 EXISTING CONDITIONS MAP
SHEET 3 OF 3 PRELIMINARY CLEARING,
GRADING, EROSION
CONTROL AND
IMPROVEMENTS PLAN

152E0300
TL 10001

152E0300
TL 10002

S89°15'48"E 167.95'

PARCEL 1
7,560 SQUARE
FEET

PROPOSED PARTITION LINE

PARCEL 2
9,220 SQUARE
FEET

EXISTING HOUSE
TO REMAIN

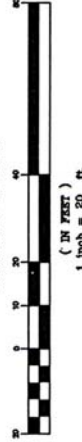
DECK

S89°15'48"E 167.95'

152E0300
TL 8800



GRAPHIC SCALE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 2008
RAY L. MOORE
48710

RENEWAL DATE: 12/31/08

THESE PLANS ARE PRELIMINARY ONLY AND
NOT TO BE USED FOR CONSTRUCTION PURPOSES.

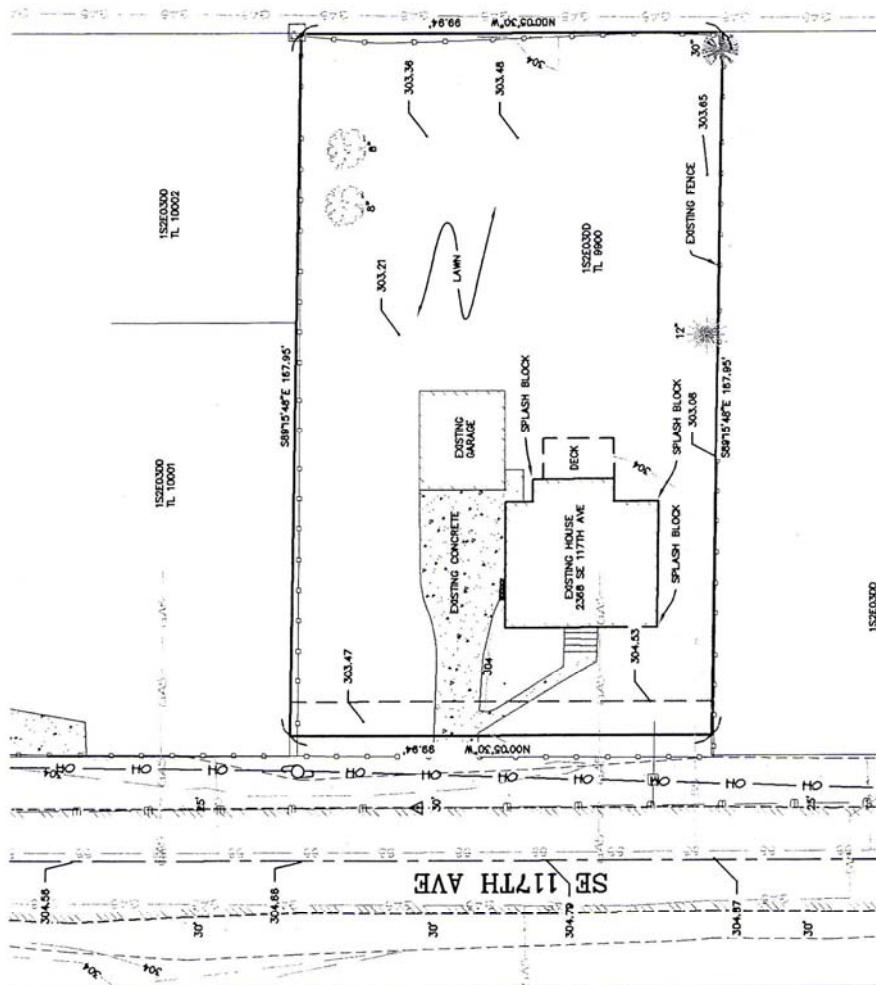
CLIENT: SERGEY FESNIK



DRAWING: 07-024-Planning.dwg
DATE OF PLOT: 12-13-2007

LEGEND

	PROPERTY LINE
	LOT LINE
	EXISTING 1' GROUND CONTOUR
	EXISTING 2' GROUND CONTOUR
	BUILDING WALL
	EDGE OF PAVEMENT
	EXISTING SIDEWALK/CONCRETE
	EXISTING FENCE
	EXISTING SANITARY LINE
	EXISTING STORM MANHOLE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING WATER METER
	EXISTING WATER VALVE
	EXISTING UTILITY POLE
	EXISTING FIR TREE
	EXISTING DECIDUOUS TREE
	EXISTING CEDAR TREE
	EXISTING GATE POST
	SURVEY CONTROL POINT (CL=304.39)
	EXISTING SPOT GRADE
	100.00

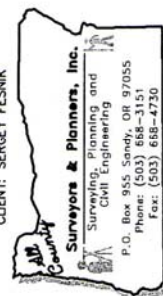


NOTES

THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES SHOWN ARE FOR GRAPHICAL PURPOSES ONLY AND MAY VARY UPON PERFORMANCE OF THE FINAL BOUNDARY SURVEY.

ALL ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NUMBER 861 AT THE NORTHWEST CORNER OF SE 11TH AND SE DIVISION WITH AN ELEVATION OF 302.091. ELEVATION WAS THEN CARRIED TO A TEMPORARY BENCHMARK * Δ * WITH AN ELEVATION OF 304.26.

CLIENT: SERGEY FESNIK



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
RAY L. MOORE
49710

RENEWAL DATE: 12/31/08

DRAWING: 07-024-Planning.dwg
DATE OF PLOT: 12-13-2007

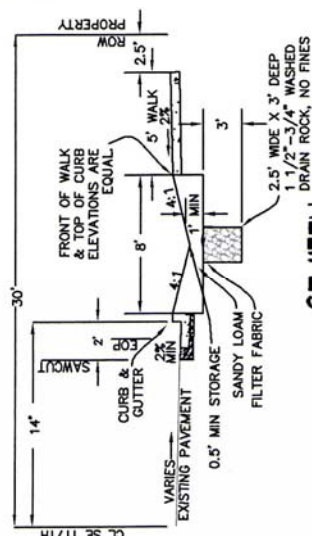
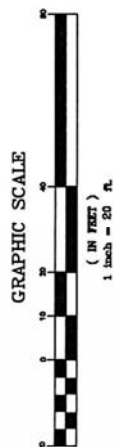
SHEET 2 OF 3

LEGEND

- PROPOSED SALT FENCE
LIMITS OF DISTURBANCE
EXISTING 1" GROUND CONTOUR
EXISTING SPOT GRADE
EXISTING TREE TO BE PRESERVED
PROPOSED WATER SERVICE
PROPOSED SANITARY SERVICE
PROPOSED CURB & GUTTER
PROPOSED AC PAVING

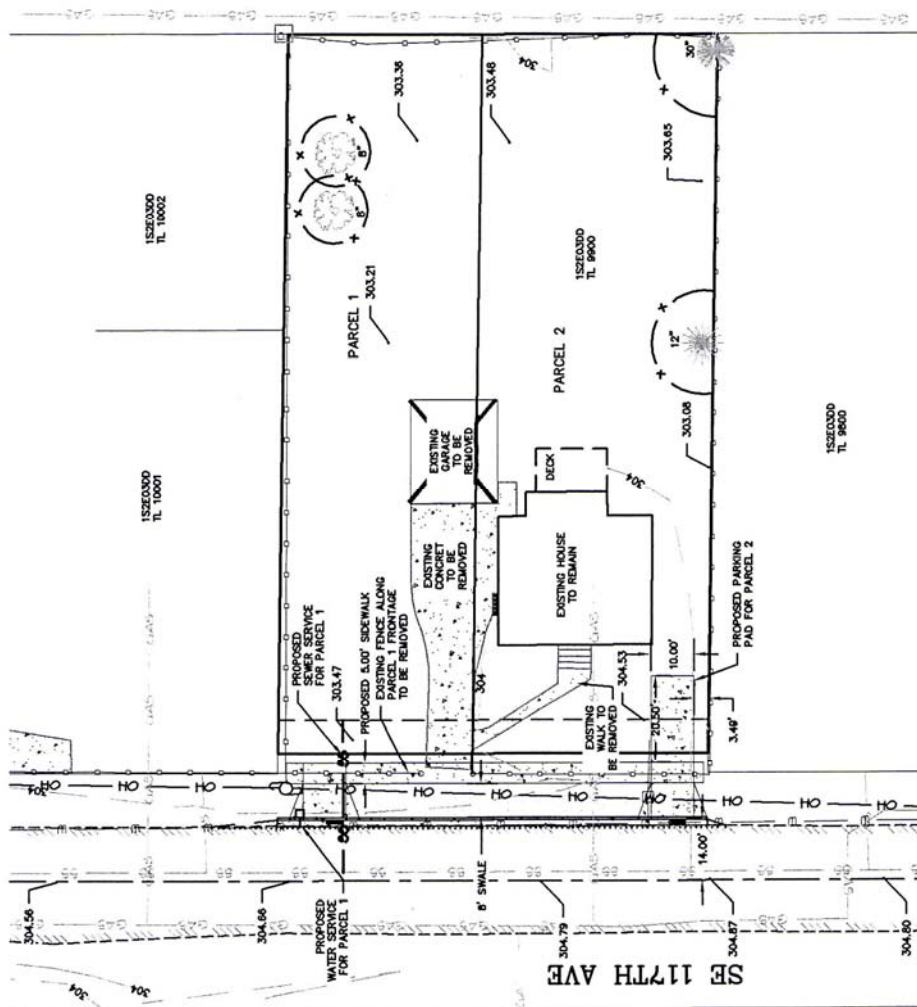


10-109165
C-3

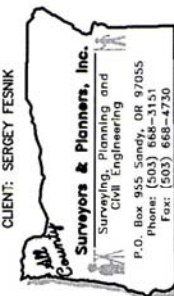


SE 117TH
DRAIN ROCK, NO F
IMPROVEMENTS SECTION

SCALE: 1" = 5'



CLIENT: SERGEY FESNIK



RENEWAL DATE: 12/31/2008

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