



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

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Date: August 1, 2011
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**NOTICE OF A TYPE II_x DECISION ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

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

CASE FILE NUMBER: LU 10-138626 LDS

GENERAL INFORMATION

Applicant: Ken Sandblast, Planning Resources Inc
17690 SW Boones Ferry Road
Lake Oswego OR 97035

Representative: Jim Stormo, Pinnacle Engineering
17757 Kolek Road
Lake Oswego OR 97034

Property Owners: John A Saunders and Zoe R Saunders
20550 Lomita Avenue
Saratoga CA 95070

Site Address: 3510 SE 143rd Avenue and 3534 SE 143rd Avenue

Legal Description: TL 6800 0.51 ACRES, SECTION 12 1S 2E; TL 6900 0.51 ACRES,
SECTION 12 1S 2E

Tax Account No.: R992121280, R992121820

State ID No.: 1S2E12BC 06800, 1S2E12BC 06900

Quarter Section: 3445

Neighborhood: Centennial, Louise Cody at 503-252-4302

Business District: Midway, Bill Dayton at 503-252-2017

District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550

Zoning: Single Dwelling Residential 5,000 (R5)
Alternative Design Density overlay (a)

Plan District: Johnson Creek Basin

Case Type: Land Division-Subdivision (LDS)

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

Proposal: The applicant proposes a Land Division to divide 2 properties into 7 lots with a Private Street Tract. Three existing houses on the site are proposed to remain and be situated on individual lots. An existing garage and other accessory structures (sheds) and 2 driveways are

proposed to be removed.

Six parking spaces, and new sanitary sewer and water services are proposed within the private street tract. Stormwater from the private street tract is proposed to be managed and disposed via an infiltration planter within the tract. Stormwater from the lots is proposed to be managed and disposed via drywells on each lot.

A Tree Preservation Plan is proposed to preserve 41 percent of the total tree diameter.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 8 units of land (7 lots and 1 tract). Therefore this land division is considered a subdivision.

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:

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The approximately 1 acre (44,535 square foot) site is a relatively flat property. The site is developed with 3 single dwelling houses, a detached garage and several sheds, driveways, and outdoor areas. A variety of ornamental trees and shrubs are distributed around the site, and one native Douglas fir is located near the east lot line.

Street access is provided via SE 143rd Avenue, which includes a paved roadway, but no curbs or sidewalks. SE Powell Boulevard is approximately 600 feet north of the site and is the primary east-west route in the area. The road system is not well developed within the surrounding vicinity, and the existing roads are not developed to current city standards.

Most of the existing development consists of single story residences on large lots (10,000 square feet and up). The site and surrounding area is not developed to the scale or density allowed by the current zoning.

Infrastructure:

Streets – The site has approximately 198 feet of frontage on SE 143rd Avenue. There are three driveways that serve the existing houses on the site. As noted in the response from Portland Transportation: *At this location, SE 143rd Ave is classified as a Local Service Street for all transportation modes in the City’s Transportation System Plan. According to City records, SE 143rd Ave is a 50-foot right-of-way and is improved with a 28-foot wide paved roadway section, lacking a curb and sidewalk.*

Tri-Met provides transit service approximately 600 feet north of the site on SE Powell Boulevard via Bus Line 9. Parking is currently allowed on both sides of SE 143rd Avenue.

- **Water Service** – There is an existing 6-inch DI water main in SE 143rd Avenue. Each of the existing houses is served by a 5/8-inch metered service from the main.

- **Sanitary Service** – According to the Bureau of Environmental Services, there is an existing public sanitary-only sewer line in SE 143rd Avenue.

Zoning: The site is in the **Single Dwelling Residential 5,000** (R5 zone). The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

The site is also within the **Alternative Design Density** (a) overlay. The purpose of this overlay zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The proposal does not use any of the overlay provisions.

The site is also within the boundary of the **Johnson Creek Basin Plan District**. 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 plan district standards that apply at this location are related to the removal of nuisance species; a prohibition of the installation of nuisance plants; and requirements for erosion control during ground disturbing activities.

These requirements will be applied at the time of any new development on the site.

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 **January 10, 2011**. Two written responses have been received from notified property owners.

One notes concerns about increased traffic and the lack of street improvements along the SE 143rd Avenue right-of-way. The other notes concerns about density, dust from construction activities, fencing along adjoining lot lines, information about single dwelling houses, and the construction timeframe.

Staff response: These letters have been forwarded to the applicant to allow for direct communication with the neighbors about these issues, particularly related to permanent fencing or the construction timetable, as these are not specifically addressed in the Land Division approval criteria. However, no permanent fencing is required; and any proposed fencing must comply with the Fence standards (33.110.255) in the Portland Zoning Code. Likewise, construction activities must be performed in accordance with the provisions outlined in the City Code.

Issues related to traffic and street improvements are addressed in the findings for Criterion K, below.

Density is addressed in the findings for Criterion A.

Temporary construction fencing and erosion control measures will be required to be installed prior to any ground disturbing activities, which should minimize impacts from dust. The findings for Criterion G provide more details about these requirements.

Allowed housing types in the R5 zone include: a house, attached house, accessory dwelling unit, duplex, and manufactured home. Any new development must comply with the development standards applicable in the R5 zone, which are listed in Chapter 33.110 of the Portland Zoning Code.

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.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
	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.D - Common Greens	No common greens are 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 R5 zone. In this case, the proposal includes a new private street, so the site has a minimum required density of 6 units and a maximum allowed density of 7units. The applicant is proposing 7 lots, so the density standards are met.

The required and proposed lot dimensions 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)
R5 Zone	3,000	8,500	36	50	30
Lot 1 Existing house: 3510 SE 143rd	5,499		71	77	71
Lot 2	4,042		50	81	50
Lot 3	3,370		50	76	43
Lot 4	6,202		54	50	41
Lot 5 Existing house: 3530 SE 143rd	6,973		48	84	38
Lot 6	4,159		52	79	52
Lot 7 Existing house: 3534 SE 143rd	6,235		78	81	78

* 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.

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 arborist report includes an inventory of the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.1). Twenty-two trees are listed in the arborist report. The arborist notes Tree 1 and Tree 5 do not exist; Trees 2, 3, 4, 6, 10, 13, 14, and 21 are subject to the tree preservation requirements; and the other trees are exempt, because they are 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 preservation or removal of these 'exempt' trees is at the discretion of the property owner(s).

The total non-exempt tree diameter on the site is 116 inches (noted as 97 in arborist report). Trees 2 (11-inch diameter apple), 3 (18-inch diameter Scotch pine), and 21 (19-inch diameter Douglas fir) are proposed to be retained, and this comprises 48 inches of diameter, or 41 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 (labeled Preliminary Grading Plan) showing the preserved trees and the required root protection zones (Exhibit C.2).

In order to ensure that future owners of the lots are aware of the tree preservation requirements, and to ensure development on Lots 2, 3, 4, and 5 will be carried out in conformance with the Tree Preservation Plan and the applicant's arborist report, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

In addition, all tree preservation requirements and required tree protection fencing must be shown on the plans required for the permits for the Private Street, and all tree protection fencing must be installed and maintained throughout the construction of the proposed private street.

With the implementation of these conditions, this criterion will be met.

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 relatively flat, and is not located within the Potential Landslide Hazard Area. However a new street and associated stormwater system is proposed as part of the land division, which will require grading on the site. The applicant has submitted a Preliminary Grading Plan (Exhibit C.2) that depicts the proposed work, including existing and proposed elevation contours, soil stockpile areas, undisturbed areas consistent with the root protection zones of trees to be preserved, and the overall limits of disturbed area.

The proposed clearing and grading shown on Exhibit C.2 represents a minimal amount of change to the existing contours and drainage patterns of the site to provide for a level street surface. The contour changes proposed should not increase runoff or erosion because all of the erosion control measures shown on the grading plan must be installed prior to starting the grading work.

Stormwater runoff from the new street and lots will be appropriately managed by a hybrid stormwater facility and drywells, respectively, to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report).

The clearing and grading proposed is sufficient for the construction of the new street and the preparation of the lots, without being excessive. The limits of disturbance shown on the applicant's plan include grading of the street areas, as well as the lots, to allow the applicant to conduct the majority of the clearing and grading on the site at one time. This will help manage erosion and sedimentation concerns, assure that the necessary tree protection measures are in place before the grading begins and limit the disturbance on the adjacent properties. The limits of disturbance will also allow for several existing accessory structures (one garage and 2 sheds) on the site to be demolished and any debris associated with these buildings to be removed. In addition, no clearing and grading is proposed within the root protection zones of the trees on the site that are required to be preserved.

The clearing and grading plan indicates areas of topsoil storage and general stockpiling that are located directly adjacent to the new street tract/right of way, and outside of the root protection zones of the trees on the site to be preserved.

As discussed later in this report, the Site Development Section of the Bureau of Development Services requires that the applicant apply for a Site Development Permit for the construction of the proposed private street. A condition must be applied that the permit application must include a final clearing and grading plan that is consistent with the preliminary grading plan approved with the land division, in order to meet this criterion.

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, City records do not show that the septic systems on the two sites were decommissioned at the time the houses were connected to the public sewer system. Prior to final plat approval, the applicant must obtain final approval of decommissioning permits for the septic system for each of the 3 existing houses.

Furthermore, the applicant proposes to remove an existing garage (located on proposed Lots 1 and 2 and within the proposed private street tract) and two sheds (on proposed Lot 6 and within the proposed private street tract), and redevelop the vacant portions of the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of these 3 structures on the site prior to final plat approval.

With these conditions, 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;

Findings: The following tract is proposed:

A private street tract (Tract A) which will include a paved roadway, sidewalk, street trees, and a hybrid stormwater management facility, as well as water and sanitary sewer connections.

With a condition that the proposed tract be owned in common by the owners of Lots 1 through 7, this criterion can be met.

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

- A Private Sanitary Sewer Easement is required across the relevant portions of Lots 6 and 7, for an existing sanitary sewer lateral connection serving Lot 5. Additional details about this easement are addressed in the findings for Criterion L, below.

- A Private Water Service Easement is required across relevant portions of Lot 4 for an existing water lateral connection serving Lot 5. Additional details about this easement are addressed in the findings for Criterion L, below.
- A Public Sanitary Sewer Easement is required over the entirety of Tract A.
- A Public Access Easement is required over the private street sidewalk.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the tracts and easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

"A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

With the conditions of approval discussed above, this criterion will be 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.
<p>The water standards of 33.651 have been verified. Portland Water Bureau notes:</p> <p><i>There are three existing services at the above mentioned properties and are as follows:</i></p> <ol style="list-style-type: none"> <i>1. 3510 SE 143rd Ave: 5/8" metered service – Serial #29132728, Account #2965721700</i> <i>2. 3530 SE 143rd Ave: 5/8" metered service – Serial #27029723, Account #2968433500</i> <i>3. 3534 SE 143rd Ave: 5/8" metered service – Serial #32988973, Account #2983826400</i> <p><i>The above mentioned services are provided water from the existing 6" DI water main in SE 143rd Ave.</i></p> <p><i>The estimated static water pressure range for this location is 62 psi to 78 psi at the street property line elevation of 230 ft.</i></p> <p><i>For Lots 2, 3, 4 and 6, City code 21.12.010 will require any new building or construction that will need water to have a water service and meter installed within the public right-of-way and within the specific property boundary/frontage for which it will serve, which in this subdivision can be the proposed private street, called out as Tract "A". A Water Bureau review for fixture count will need to be completed at the time of submittal of the building permit, for each new structure on Lots 2, 3, 4 and 6, to determine the appropriate service and meter size. There is available water for this subdivision from the existing 6" DI water main in SE 143rd Ave. The existing service for Lot 5 will also need to be within the limits of Tract "A", in the public right-of-way. All applicable costs will be the responsibility of the applicant.</i></p> <p>As a result of the proposed land division, the existing water connection that serves the house on proposed Lot 5 will cross over proposed Lot 4 to reach the water main in SE 143rd Avenue. The applicant has noted that new water services will be provided for Lots 2 through 6 at the time the private street is constructed within Tract A. However, the BDS-Plumbing Division has indicated that the applicant must provide an easement for the existing water line serving</p>

Lot 5. This easement can be extinguished once the new services are installed, but in the meantime, an easement for the existing water connection must be shown on the Final Plat, and a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. If a new water connection is established for the house on Lot 5, prior to the construction of the private street, all plumbing permits must receive final inspection approval prior to Final Plat approval.

33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.

The sanitary sewer standards of 33.652 have been verified. BES has noted that there is an existing public sanitary only sewer located in SE 143rd Avenue that can serve the sanitary needs of the proposed lots. Each of the existing houses on the site has an existing sewer service from that main.

However, as a result of the proposed land division, the existing sewer connection that serves the house on proposed Lot 5 will cross over proposed Lots 6 and 7 to reach the sewer main in SE 143rd Avenue. Similar to the water line, the applicant notes that new sewer services will be installed for Lots 2 through 6 at the time the private street is constructed. However, BES has indicated that the applicant must provide an easement for the existing sewer line serving Lot 5 on the Final Plat, and a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. If a new sewer connection is established for the house on Lot 5, prior to the construction of the private street, all plumbing permits must receive final inspection approval prior to Final Plat approval.

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. The proposed stormwater facility for the private street will be located within the Private Street Tract, and no separate stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods:

Private Street: Stormwater will be directed to a hybrid infiltration facility located within the street tract. The applicant has submitted stormwater calculations and soil test results that indicate the size of the proposed facility can accommodate the volume of stormwater runoff from the impervious areas of the street. The Bureau of Environmental Services has indicated conceptual approval of the proposed facility and size.

However, since this type of facility will infiltrate water into the ground, this system may impact groundwater, and the State Department of Environmental Quality (DEQ) requires a permit for the installation of such a system. The applicant has provided a communication from DEQ stating that the proposed drywell is Rule Authorized (Exhibit *).

Public Street Improvements: No public street improvements are proposed, and none are required at this time as noted in the discussion regarding Transportation Impacts, below. In the event a Local Improvement District is established, stormwater management facilities for the street will be evaluated and required at that time.

Lots 2, 3, 4, and 6: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

Lots 1, 5 and 7 (the lots with the existing houses): The applicant has indicated that the stormwater systems for the existing houses will be retrofit with drywells. BES notes the existing houses on Lot 5 already discharges to an existing drywell, based on City plumbing records. BES notes the downspouts and splashblocks on Lots 1 and 7 do not meet SWMM

setbacks, so prior to final plat approval, the applicant must finalize plumbing permits for modifications to the stormwater disposal systems for the existing houses on Lots 1 and 7, including provisions for a drywell (or other disposal method approved by BES) on each lot located outside of the required SWMM setbacks.

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.

As noted in the response from Portland Transportation:

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The spacing requirements for public through streets are met in this area in a north-south direction, but not in the east-west direction. Primarily due to the orientation and configuration of SE Powell to the north of the subject site; but also because of the pre-existing block and lot pattern, as well as locations of existing development, the conventional lot/block pattern does not exist in this area. Directing the applicant to provide right-of-way for any public street connection would not be in the best or most feasible location across the subject site.

The City's pedestrian connection goal of generally providing such a connection no more than 330-feet is also not met within the subject block. However, for the same reasons noted above, a pedestrian connection would be more appropriately located elsewhere in the area.

Portland Transportation has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

Since many of the surrounding properties were developed as flag lots, while under the jurisdiction of Multnomah County, the opportunity for a new public street at this location is limited due to the existing lot and street pattern. As such, a public street does not appear practical or warranted at this location. Based on these factors, this criterion is met.

33.654.110.B.2 Approval criterion for dead-end streets in OS, R, C, and E zones.

The proposal includes a private dead-end street and pedestrian connection, which will be located in a new street tract (Tract A). As discussed under the findings for through streets above, a new public east-west through street is not required at this location, give the adjacent flag lot development and existing street pattern.

The private dead-end street will serve 7 dwelling units and it is approximately 152 feet in length from the frontage along SE 143rd Avenue to the center of the 18 foot radius turn-around. This street length is appropriate because it is sufficient to serve the proposed lots. Based on the foregoing, 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

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.

Transportation Impacts

Street capacity and level-of-service

As outlined in the response from Portland Transportation, *per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:*

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

For the purposes of this analysis, Portland Transportation addressed the capacity of the nearby intersections: *The project will include four new detached single-dwelling residential homes, in addition to the three homes already situated on the subject site. The "transportation system" in this case includes the intersection of SE 143rd/Powell as the most immediately affected intersection by the anticipated vehicle trips generated by the proposed subdivision.*

In relation to the subject partition request, the applicant did not submit a Traffic Impact Study (TIS). The SE 143rd/Powell intersection is a two-way stop controlled intersection with stop signs on the northbound and southbound SE 143rd approaches. The eastbound and westbound approaches along SE Powell are free-flowing (there is no left-turn lane/median area along this segment of SE Powell). Using standard transportation engineering methods, calculations and analyses, the proposed four additional residential units on the subject site will generate four new vehicular trips during the AM and PM peak hours of travel (and forty new total daily trips). The area in the vicinity of the site along SE 143rd appears to be well underdeveloped with primarily single-family detached homes on flag lots, even though the area is zoned for higher density multi-family development. Given the Local Service classification of SE 143rd along with the current lack of realized development potential, it is likely that the intersection at SE 143rd/Powell is currently operating well within capacity, even under peak hour conditions. The addition of site traffic from the proposed subdivision (four new peak hour trips) will have a negligible effect on traffic volumes and the area's intersection will continue to operate acceptably with the addition of the site trips.

Vehicle access and loading

The proposal will also result in a driveway access (in approximately the same location as the existing driveway that separates the two subject tax lots that make up the site) from SE 143rd to a new private street. There will be no additional access points onto the subject site than already exist, there are currently three driveways that serve as access to the three existing homes on the site. The driveway that currently serves the house that will be retained on Lot 1 will be eliminated since the proposed stormwater management facility for the new private street is proposed to be located where this driveway is located. The submitted site plan shows that the driveway that currently serves the house that will be retained on Lot 7 will remain in its present location. Portland Transportation has called for this driveway be relocated to the southern side of this lot to avoid conflicts with the proposed private street.

With regards to loading, each of the proposed lots appear to have sufficient area to accommodate at least an on-site parking pad as depicted on the submitted site plan. Further, the submitted site plan also shows that there will be sufficient area along the proposed private street for on-street parking.

Given what appears to be fairly flat topography throughout the area, along with the fact that SE 143rd is a linear configuration, there is sufficient sight distance from the existing driveways along SE 143rd.

On-street parking impacts

SE 143rd is not currently constructed with curbs or sidewalks or parking lanes. The current practice for existing residents along the street is when necessary, to park along the gravel shoulder beyond the paved section off the roadway. Portland Transportation has determined that the proposed creation of four additional single-family residential lot will not create

impacts to on-street parking, since opportunities for on-street parking (along SE 143rd) will remain. *There will be no more driveways than currently exist along SE 143rd as a result of the proposed subdivision, and further, there will be ample opportunities for the future owners/residents of the homes within the proposed subdivision to park on each lot and along the new private street.*

Impacts on the immediate and adjacent neighborhoods

As analyzed and noted previously, traffic volumes on area roadways and area intersections are not expected to be impacted as a result of the additional four single-family residential lots proposed by the applicant. Since area roadways and intersections are not currently operating at capacity, the addition of 40 new daily vehicle trips will have no noticeable impacts to immediate and adjacent neighborhoods. No operational or safety problems have been identified.

There is sufficient maneuvering area within the site, and along the proposed private street such future vehicles from the new residences along the private street will be able to exit the street in a forward motion, thereby not constituting an unreasonable safety risk to pedestrians, bicyclists or vehicular traffic. There is sufficient sight distance in either direction to allow vehicles safe access.

Safety for all modes

SE 143rd currently has limited facilities for pedestrians and bicycle use. This is not unusual for existing roadways in this part of the City, particularly on low-speed, residential streets. Although sidewalks are generally preferred to be in place on nearly all roadways, the lack of sidewalks and bike lanes is not necessarily indicative of safety deficiencies. Vehicular traffic travelling along SE 143rd is subject to the 25 mph speed limit along Local Service streets. With no sidewalks, unpaved shoulders typically provide a path for pedestrians; however, given the low speeds of vehicular travel along the street, pedestrians and bicyclists may also choose to travel along the edge of the paved roadway.

As discussed previously, sufficient sight distance exists in both directions from the site's driveways.

Design of Rights-of-Way

Public Street: SE 143rd Avenue is improved with a paved roadway, and a gravel parking lane 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. Because none of the other frontages have been improved on this street, Portland Transportation has determined that an isolated improvement at this location would not be meaningful. If the street is to be improved, it would be more appropriate to complete the improvements as one Local Improvement District (LID) project. Therefore, the applicant will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) prior to final plat approval. Portland Transportation notes this requirement has been documented via the applicant's requested Design Exception.

Private Street: The applicant has proposed that a tract that varies from 35 to 48 feet wide, terminating in an 18-foot radius turn-around is sufficient to accommodate the expected users. The Administrative Rules for Private Rights of Way are the standards that govern the construction of private streets. These rules recommend a width of 44 feet for dead-end streets less than 300 feet long, and serving 4 or more lots. This width will provide room for the construction of a 28-foot wide paved roadway that allows two travel lanes, parking on one side, two 6-inch curbs, a 5-foot wide sidewalk on one side of the street, and a ½ to 1-foot setback between the street improvements and private property. In this proposal, the applicant will be disposing of stormwater from the private street within a hybrid infiltration facility located on the northwest of the tract and north of the roadway. The proposed tract

width is sufficient to accommodate the elements of a street that are adequate for 7 lots by the *Administrative Rules* governing private streets.

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

33.654.120.C.3.c. Approval criterion for turnarounds.

An 18-foot radius turn-around is proposed at the terminus of the private street tract. The configuration of the turn-around has been reviewed by the Site Development Section of the Bureau of Development Services. Site Development has indicated that the size and configuration of the turn-around are adequate to provide safe vehicular and bicycle movement for the 7 new lots that will use private street. A sidewalk is required along one side of the street, and must extend all the way around the turn-around. This walkway will provide for safe and convenient pedestrian access along the private street and from the interior of the land division to the abutting sidewalk along the frontage of SE 143rd Avenue. The proposed street tract has been sized to provide adequate room for the turn-around. This criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections.

As noted in the findings for the width of the right-of-way, above, there will be a 5- foot wide sidewalk provided within the private street tract. This width is sufficient to accommodate the expected users, which will primarily be the residents within the subdivision site, and their guests. This walkway will provide for a pedestrian connection to and from the public right-of-way on SE 143rd Avenue. Additionally, as noted previously, Portland Transportation is not requiring any sidewalk improvements on SE 143rd Avenue. Based on these factors, this criterion is met.

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 a 4 to 8 foot wide utility easements is shown adjacent to the right-of-way. 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 Lots 1, 5, and 7. 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 R5 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 houses 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 plans show the existing houses are 5 feet or more from the relevant side and rear lot lines and 10 feet or more from the relevant front lot lines. 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 Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Lot 6 must be removed prior to final plat.

In addition, 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 (garage) that straddles the line between proposed Lots 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 – In this zone, one parking space per dwelling unit is required. In order to ensure that parking requirements continue to be met, the applicant must demonstrate how the existing houses on Lots 1, 5, and 7, will comply with 33.266.120, or finalize a permit to make modifications to demonstrate compliance with this provision. This requirement must be satisfied prior to final plat approval.
- Main Entrances -- In this zone, the main entrance of residential structures must face a street, or open onto a porch that faces the street. The existing houses on proposed Lots 1 and 7 will continue to face SE 143rd Avenue. However, the main entrance for the existing house on proposed Lot 5 will face the new private street. Therefore, the applicant must demonstrate how the existing house on Lot 5 will comply with 33.110.230.C, or finalize a building permit to make modifications to the house to demonstrate compliance with this provision. This requirement must be satisfied prior to final plat approval.
- Street-Facing Facades in R10 through R2.5 Zones -- In this zone, street-facing facades of residential structures are required to have windows that comprise at least 15 percent of the façade area. The existing houses that will remain on Lots 1 and 7 will continue to front onto SE 143rd Avenue, and the land division will not change their street orientation. However, the existing house that will remain on Lot 5 is not currently oriented toward a street; and, after the land division, the street frontage for this house will be provided by the new private street. Therefore, the applicant must provide plans to demonstrate how the existing house that will remain on Lot 5 will comply with 33.110.232.C, or finalize a building permit to make modifications to that house to comply with this provision. This requirement must be met prior to final plat approval.

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
Water Bureau 503-823-7404 www.portlandonline.com/water	Title 21 - Water availability
Environmental Services 503-823-7740 www.portlandonline.com/bes	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
Fire 503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 - Emergency Access
Transportation 503-823-5185 www.portlandonline.com/transportation	Title 17, Transportation System Plan Design of public street
Site Development Development Services 503-823-7300 www.portlandonline.com/bds	Titles 24 –27, Admin Rules for Private Rights of Way, Building Code, Erosion Control, Flood plain, Site Development & Private Streets

Bureau	Code Authority and Topic
Plumbing Development Services 503-823-7300 www.portlandonline.com/bds	Title 25, Plumbing Code

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 is required to make improvements to the proposed private street. Several conditions are required, including provision of plans and financial assurances, initiating a building permit, and providing a maintenance agreement. In addition to the approval criteria of Title 33, these requirements are based on the technical standards of Title 17 and Title 24.
- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; posting of "No Parking" signs in the private street; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; providing an Emergency Vehicle Access Easement over the private street tract; and include relevant requirements in the maintenance agreement for the private street. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 7 lot subdivision with a private street tract, 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:

- Private Street Tract, including easements for Emergency Vehicle Access and Public Access to the sidewalk
- Stormwater management, including DEQ Rule Authorization
- Tree preservation
- Demolition of accessory structures
- Decommissioning septic systems
- Utility connections
- Fire Bureau access and water supply

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

Additionally, neighbor concerns about traffic, street improvements, density, and erosion control were addressed in the findings for the related criteria. The neighbors' letters were also forwarded to the applicant to foster direct communication with the nearby residents regarding the construction timetable, house designs, and permanent fencing, as these are outside the scope of the applicable land division approval criteria.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 7 lot subdivision that will result in 7 standard lots and a private street tract (Tract A), as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Five copies of a supplemental plan shall be submitted with the final plat survey for 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 and stormwater management facilities 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 fire lane access and turning radius to the satisfaction of the Fire Bureau;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Lot 5, shall be shown and labeled over the relevant portions of Lots 6 and 7.
2. A private water easement, for the benefit of Lot 5, shall be shown and labeled over the relevant portions of Lot 4.
3. A public sanitary sewer easement, granted to the City of Portland, shall be shown over the relevant portions of the private street, to the satisfaction of the Bureau of Environmental Services. The easement must be labeled as "Public Sewer Easement to City of Portland".
4. An Emergency Vehicle Access Easement, granted to the City of Portland, shall be shown over the entirety of the private street to the satisfaction of the Fire Bureau.
5. The private street tract shall be named, with approval from the City Engineer, and noted on the plat as "Tract A: Private Street *name of street*". A note shall be provided on the plat indicating the tract will commonly owned and maintained by the owners of Lots 1 through 7.
6. A public walkway easement must be shown over the sidewalk portion(s) of the street tract.
7. 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 Conditions C.14, C.15, and C.16 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."

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

Streets

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.
2. The applicant shall submit an application for a Site Development Permit for construction of the private street, mass grading and utility construction for the new private street and related site development improvements. Street design plans must be prepared by, or under the direction of, an Oregon licensed civil engineer. The plans must be in substantial conformance with Exhibit C.# and the Private Street Administrative Rule. In addition the street shall include the following:
 - The private street must meet the tree and landscaping standards in Section I of the Private Street Administrative Rule to the satisfaction of the Urban Forester.
 - The driving surface must meet the Fire Code requirements to the satisfaction of the Fire Bureau.
3. The applicant shall furnish a financial guarantee of performance, as approved by the Bureau of Development Services, for 125 percent of the estimated construction cost for the private street and all required site development improvements. The design for the private street must include a driveway approach and curbs cuts in a location that can provide access to the new parking space required for the existing house that will remain on proposed Lot 5. The applicant shall provide an engineer's estimate of the costs of performance including the costs for temporary erosion control measures required during construction. The financial guarantee

of performance shall be accompanied by a performance agreement with the Bureau of Development Services to complete the required improvements.

4. The applicant shall provide a clearing and grading plan with the Site Development permit required for the private street described in Condition C.2. The clearing and grading plan must substantially conform to the Preliminary Grading Plan approved with this decision (Exhibit C.2) with the following additions:
 - It must show root protection zones and required tree protection fencing for the trees to be preserved as shown on the Tree Preservation Plan (Exhibit C.2);
 - It must show stockpile areas;
 - It must note that topsoil must be stockpiled on site and re-used to the extent practicable.

Utilities

5. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in the private street tract. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs and performance guarantees for the sewer extension to BES prior to final plat approval.
6. 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 systems on the site.
7. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
8. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for lots with access from the private street, as required in Chapter 5 of the Oregon Fire Code.

Existing Development

9. The applicant must obtain a finalized demolition permit for removing the garage that crosses over Lots 1 and 2, and the sheds or other accessory structure on Lot 6. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
10. The applicant must demonstrate how the existing house that will remain on proposed Lot 5 will comply with the following standards in relation to the proposed new lot lines, or obtain a finalized building permit for modifications that comply with these standards:
 - 33.110.230.C (standards for Main Entrances in the R10-R2.5 Zones);
 - 33.110.232.C (standards for Street-Facing Facades in the R10-R2.5 Zones).
11. A parking space shall be provided for each of the existing houses on Lots 1, 5, and 7 in conformance with 33.266.120, or a permit must be obtained and finalized to make modifications to demonstrate compliance with this provision. All parking spaces must be shown on the supplemental plan.
12. The applicant shall finalize plumbing permits for modifications to the stormwater disposal systems for the existing houses on Lots 1 and 7, including provisions for a drywell (or other disposal method approved by BES) on each lot located outside of the required SWMM setbacks.

Required Legal Documents

13. The applicant shall execute a Maintenance Agreement for the private street tract. The agreement shall assign common, undivided ownership of the tract to the owners of Lots 1-7 and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The agreement must also acknowledge all easements granted within the street tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies. The maintenance agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
14. Maintenance Agreements shall be executed for the Private Sanitary Sewer and Private Water Easements described in Conditions B.1 and B.2, above. The agreements shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The easements should be made to be extinguished upon final approval of the sanitary and water services and connections, which are to be constructed in the private street- Tract A. 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.
15. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Lots 2, 3, 4, and 5. 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.

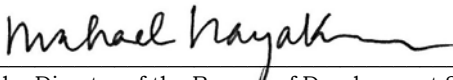
Other requirements

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

1. Development on Lots 2, 3, 4, and 5 shall be in conformance with the Tree Preservation Plan (Exhibit *) and the applicant's arborist report (Exhibit *). Specifically, trees numbered 2, 3, 4, 6, 10, 13, 14, and 21 are required to be preserved, with the root protection zones indicated on Exhibit *. 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 first lift of paving for the private street and the portion of the sidewalk abutting the existing houses shall be installed prior to issuance of any permits for residential construction; and the private street (fire apparatus access road) shall be accessible to fire department apparatus with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
3. Prior to finalizing the Site Development permit for the private street:
 - a) A plumbing permit(s) must be obtained and finalized for the new utility lines that will be constructed beneath the paved surface of the new street, including:
 - a new lateral sanitary connection from the new sanitary sewer main in the private street to the house on Lot 5 and capping the existing sanitary lateral connection; and
 - a new water lateral connection from the public water main in SE 143rd Avenue to the house on Lot 5 and capping the existing water lateral connection.

- b) The applicant must plant street tree(s) in the private street and have them inspected and approved to the satisfaction of the Urban Forester. 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.
4. The applicant must post the private street with "No Parking" signs and meet the addressing requirements for the private street to the satisfaction of the Fire Bureau. The location of the sign(s) must be shown on the development permit(s).
5. The applicant must provide an aerial fire department access to the satisfaction of the Fire Bureau. 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: Kate Green

Decision rendered by:  **on July 28, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed August 1, 2011

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 May 18, 2010, and was determined to be complete on **November 15, 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 May 18, 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 waived the 120-day review period (Exhibit G.4). No further extension can be granted, and **the 120 days will expire on: November 14, 2011.**

Note: Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 15, 2011** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 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.ci.portland.or.us .

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

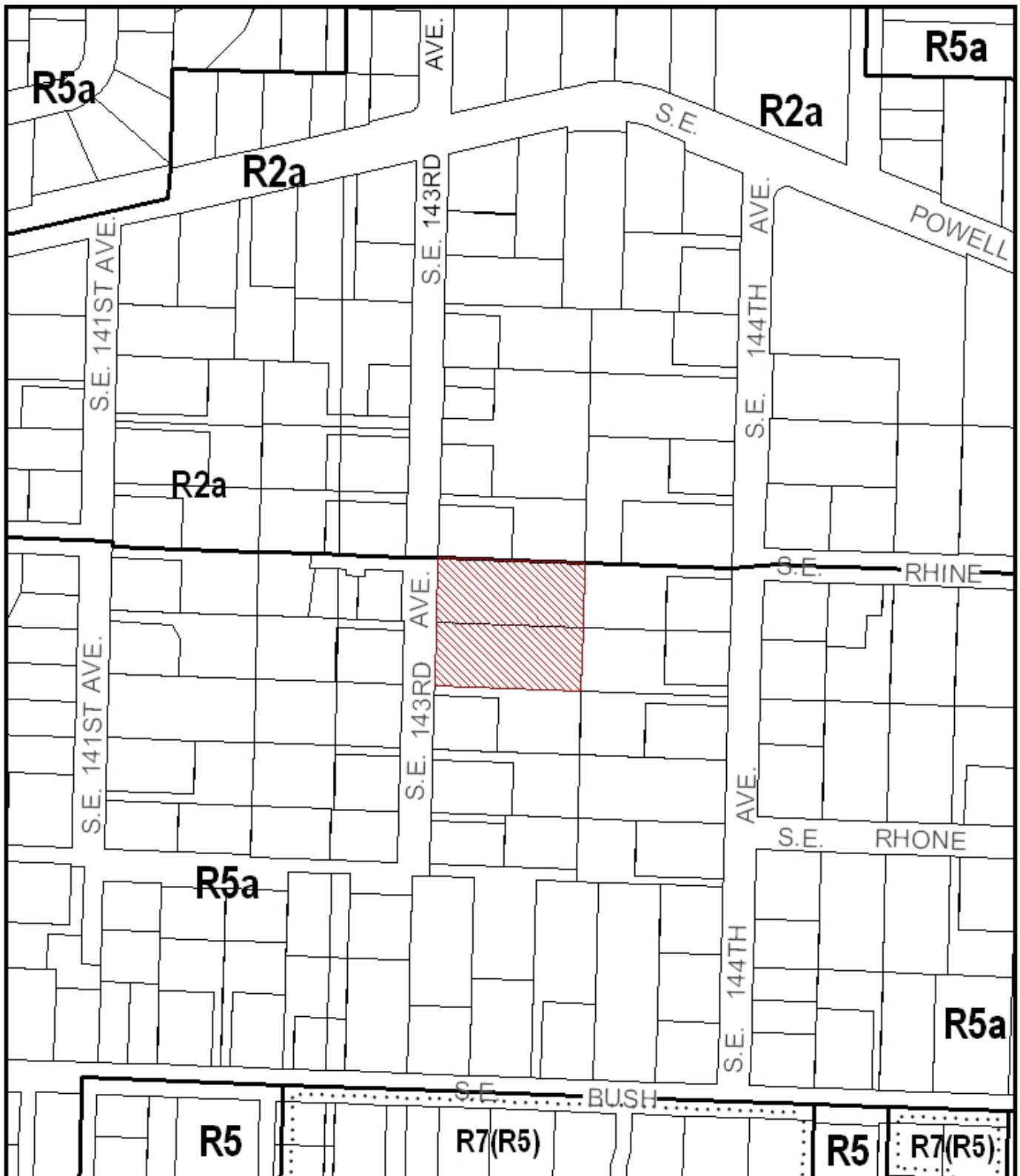
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Arborist Report
 - 2. Stormwater Reports
 - 3. Deed History
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat Plan (attached)
 - 2. Revised Preliminary Grading Plan (attached)
 - 3. Revised Preliminary Site Utility Plan (attached)
 - 4. Plan Set 2
 - 5. Initial Plan Set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Oregon Department of Environmental Quality
- F. Correspondence:
 - 1. Judy Kimbrough, February 7, 2011, re: concerns about increased traffic and condition of SE 143rd Avenue
 - 2. Jim Bartlett, January 25, 2011, re: concerns about density, dust, fencing, allowed housing, and the construction timetable
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant re: incomplete application
 - 4. 120-day waivers from applicant
 - 5. Emails to/from applicant

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



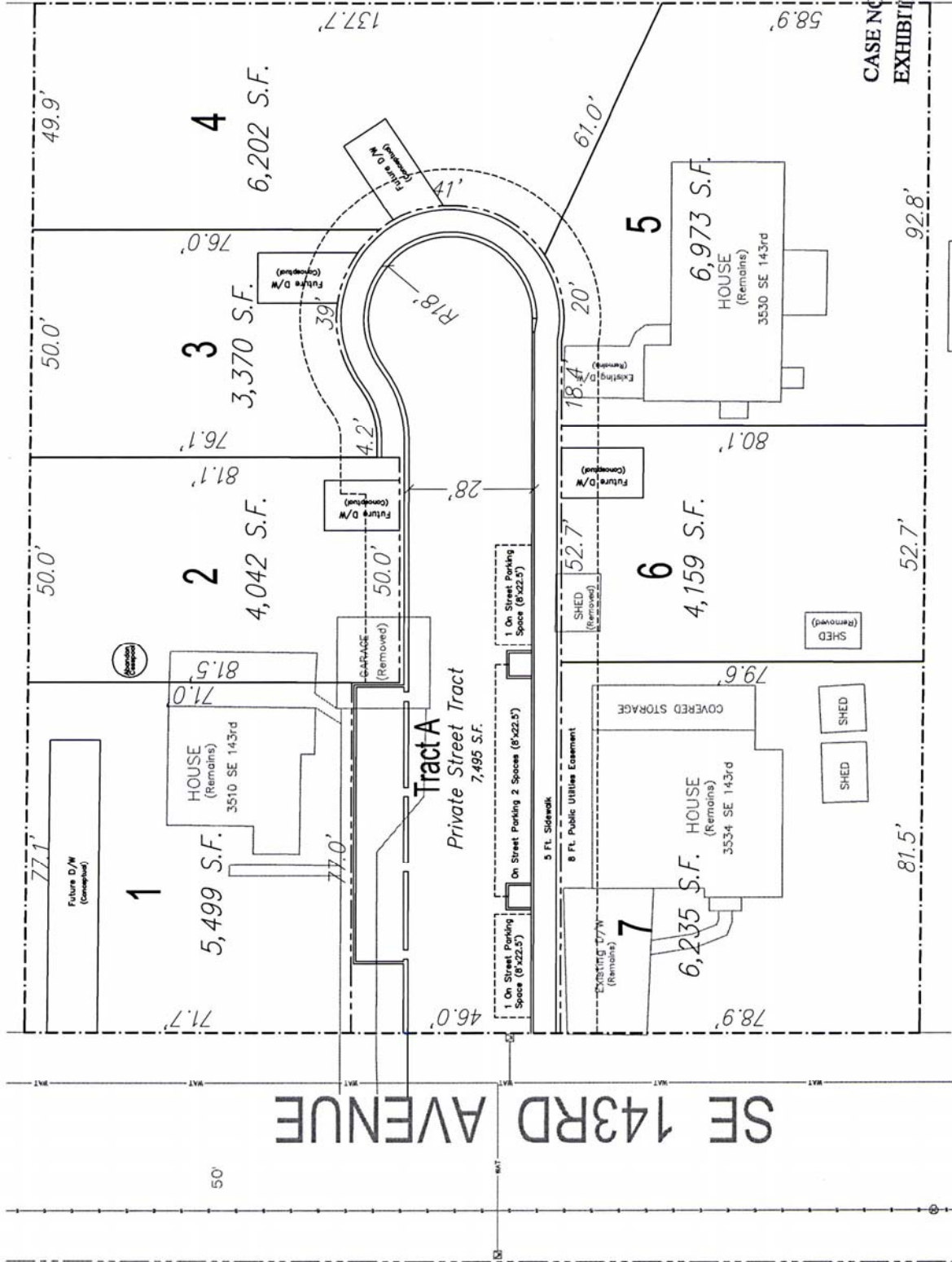
Site



NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 10-138626 LDS
1/4 Section	3445
Scale	1 inch = 200 feet
State_Id	1S2E12BC 6800
Exhibit	B (May 25,2010)

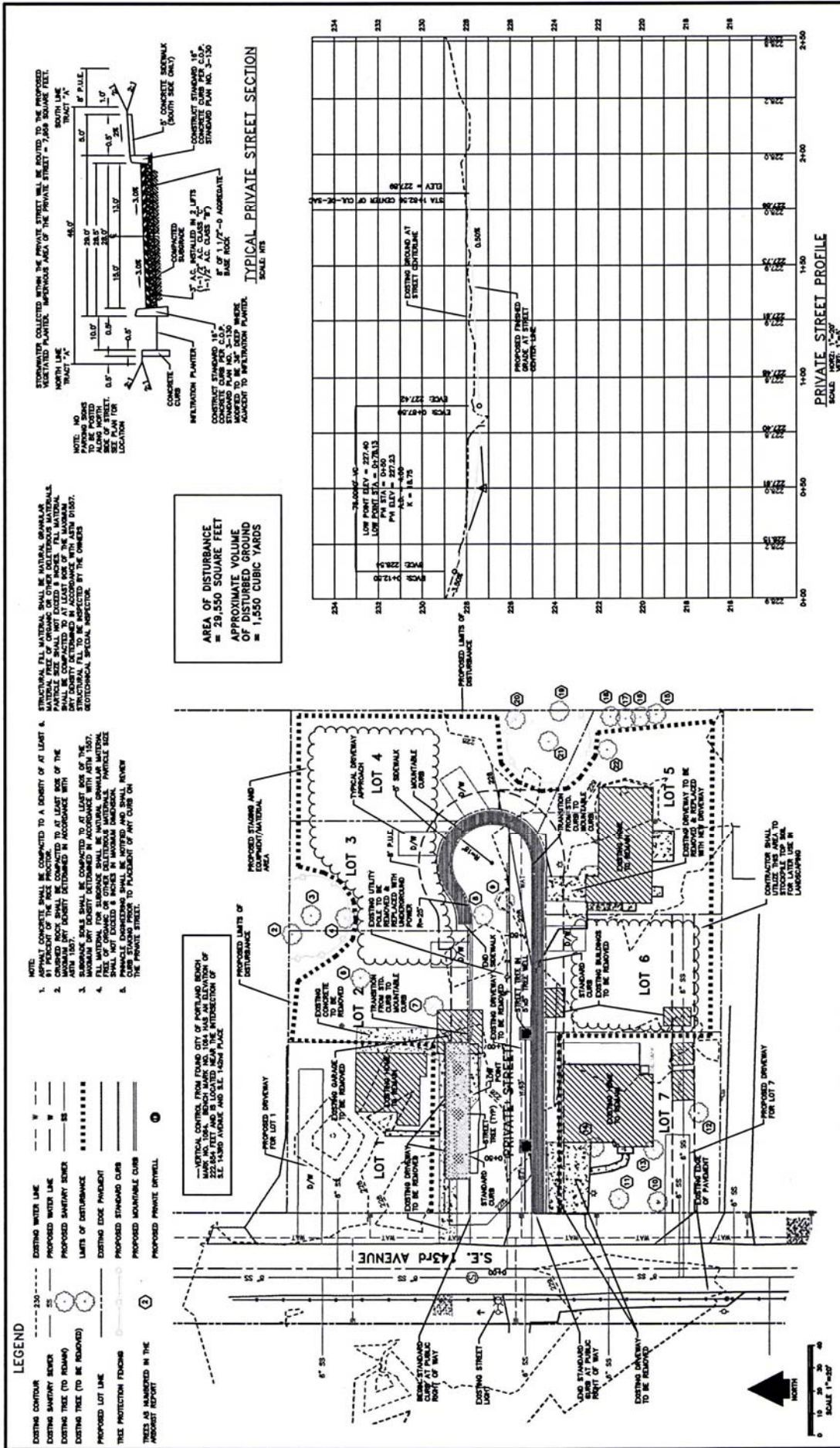


CASE NO. 10-138626
EXHIBIT C.1

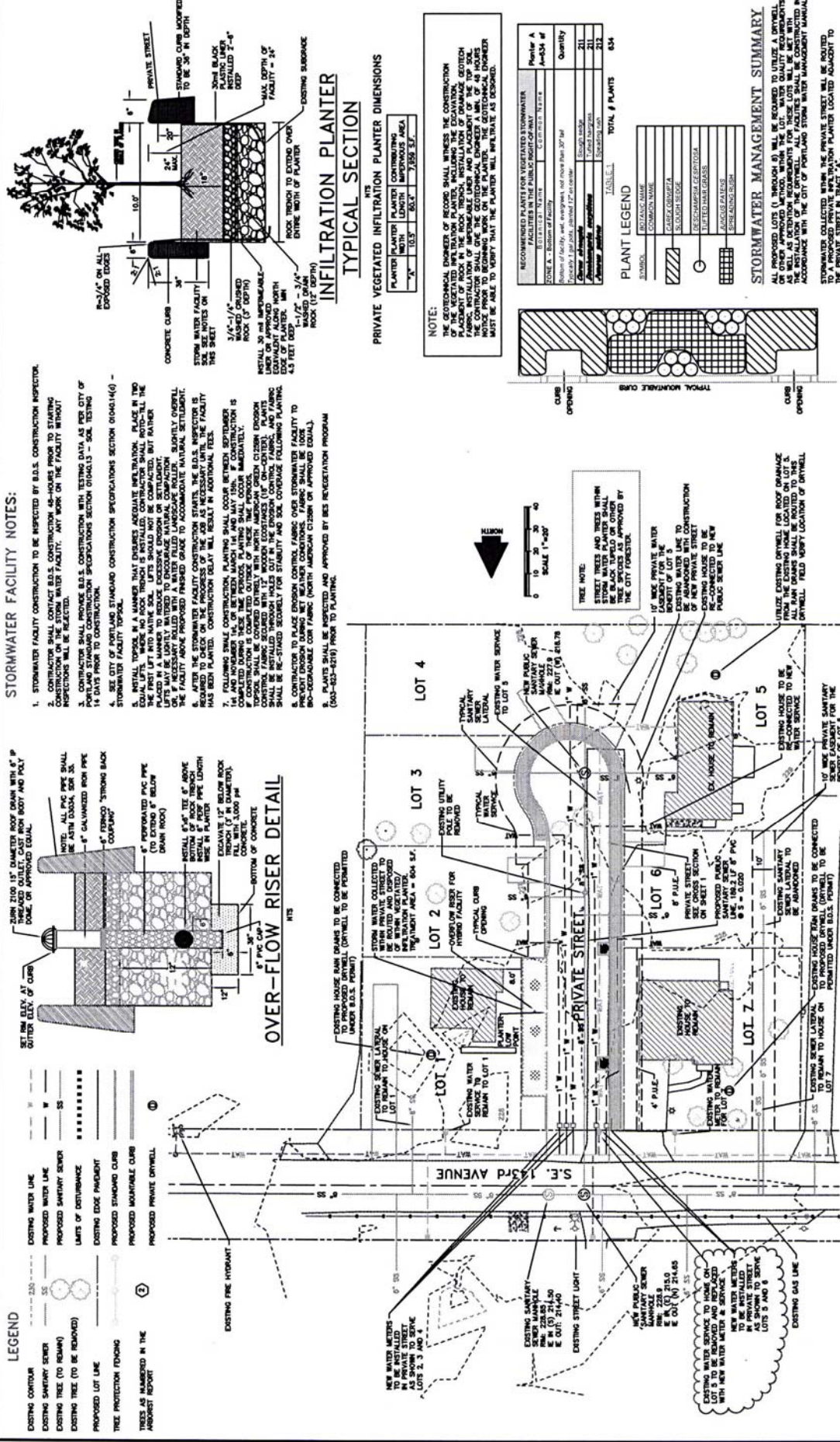
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EXHIBIT C.2

Received 7.20.2011

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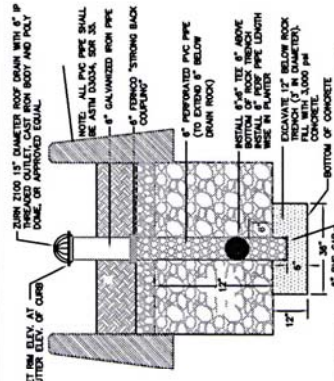
CASE NO. 10.138626
EXHIBIT C.3



LEGEND

- EXISTING CONTOUR
- EXISTING SANITARY SINK
- EXISTING TREE (TO REMAIN)
- EXISTING TREE (TO BE REMOVED)
- PROPOSED LOT LINE
- TREE PROTECTION FENCING
- TRUCKS AS MARKED IN THE ADJACENT REPORT
- EXISTING WATER LINE
- PROPOSED WATER LINE
- PROPOSED SANITARY SINK
- LIMITS OF DISTURBANCE
- EXISTING EDGE FENCEMENT
- PROPOSED STANDARD CURB
- PROPOSED MOBILE CURB
- PROPOSED PRIVATE DRIVEWAY

OVER-FLOW RISER DETAIL



STORMWATER FACILITY NOTES:

- STORMWATER FACILITY CONSTRUCTION TO BE INSPECTED BY B.S.S. CONSTRUCTION INSPECTOR.
- CONTRACTOR SHALL CONTACT B.S.S. CONSTRUCTION 48-HOURS PRIOR TO STARTING CONSTRUCTION OF THE STORM WATER FACILITY. ANY WORK ON THE FACILITY WITHOUT INSPECTION WILL BE REJECTED.
- CONTRACTOR SHALL PROVIDE B.S.S. CONSTRUCTION WITH TESTING DATA AS PER CITY OF PORTLAND SPECIFICATIONS SECTION 01401.14-1 - SOIL TESTING 14 DAYS PRIOR TO CONSTRUCTION.
- SEE CITY OF PORTLAND STANDARD CONSTRUCTION SPECIFICATIONS SECTION 01401.14-1 - STORMWATER FACILITY TOPSOIL.
- INSTALL TOPSOIL IN A MANNER THAT ENSURES ADEQUATE INFILTRATION. PLACE IN TWO LAYERS. TOPSOIL SHALL BE PLACED IN A MANNER THAT ENSURES ADEQUATE INFILTRATION. THE TOPSOIL SHALL BE PLACED IN A MANNER THAT ENSURES ADEQUATE INFILTRATION. THE TOPSOIL SHALL BE PLACED IN A MANNER THAT ENSURES ADEQUATE INFILTRATION.
- AFTER THE STORMWATER FACILITY CONSTRUCTION STARTS, THE B.S.S. INSPECTOR IS TO BE NOTIFIED IMMEDIATELY. THE B.S.S. INSPECTOR IS TO BE NOTIFIED IMMEDIATELY. THE B.S.S. INSPECTOR IS TO BE NOTIFIED IMMEDIATELY.
- FOLLOWING SMALL CONSTRUCTION, PLANTING SHALL OCCUR BETWEEN SEPTEMBER 1ST AND NOVEMBER 1ST, OR BETWEEN MARCH 1ST AND MAY 1ST. IF CONSTRUCTION IS COMPLETED OUTSIDE OF THESE TIME PERIODS, PLANTING SHALL BE COMPLETED IMMEDIATELY.
- TOPSOIL SHALL BE COVERED ENTIRELY WITH NORTH AMERICAN GREEN CITRUS DOGWOOD. THE DOGWOOD SHALL BE COVERED ENTIRELY WITH NORTH AMERICAN GREEN CITRUS DOGWOOD. THE DOGWOOD SHALL BE COVERED ENTIRELY WITH NORTH AMERICAN GREEN CITRUS DOGWOOD.
- CONTRACTOR TO PLACE EROSION CONTROL FABRIC OVER STORMWATER FACILITY TO PREVENT EROSION. THE EROSION CONTROL FABRIC SHALL BE COVERED ENTIRELY WITH NORTH AMERICAN GREEN CITRUS DOGWOOD. THE EROSION CONTROL FABRIC SHALL BE COVERED ENTIRELY WITH NORTH AMERICAN GREEN CITRUS DOGWOOD.
- PLANTS SHALL BE INSPECTED AND APPROVED BY B.S.S. REVEGETATION PROGRAM (503-423-4270) PRIOR TO PLANTING.

TYPICAL SECTION

INFILTRATION PLANTER

PRIVATE VEGETATED INFILTRATION PLANTER DIMENSIONS

PLANTER	PLANTER	PLANTER	PLANTER	PLANTER
PLAN	PLAN	PLAN	PLAN	PLAN
PLAN	PLAN	PLAN	PLAN	PLAN
PLAN	PLAN	PLAN	PLAN	PLAN

NOTE: THE GEOTECHNICAL ENGINEER OF RECORD SHALL WITNESS THE CONSTRUCTION OF THE INFILTRATION PLANTER. THE GEOTECHNICAL ENGINEER OF RECORD SHALL WITNESS THE CONSTRUCTION OF THE INFILTRATION PLANTER. THE GEOTECHNICAL ENGINEER OF RECORD SHALL WITNESS THE CONSTRUCTION OF THE INFILTRATION PLANTER.

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PLAN	PLAN	PLAN	PLAN	PLAN
PLAN	PLAN	PLAN	PLAN	PLAN
PLAN	PLAN	PLAN	PLAN	PLAN

PLANT LEGEND

SYMBOL	PLANT NAME	PLANT NAME	PLANT NAME	PLANT NAME
SYMBOL	PLANT NAME	PLANT NAME	PLANT NAME	PLANT NAME
SYMBOL	PLANT NAME	PLANT NAME	PLANT NAME	PLANT NAME
SYMBOL	PLANT NAME	PLANT NAME	PLANT NAME	PLANT NAME

STORMWATER MANAGEMENT SUMMARY

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3510 S.E. 143rd AVENUE
PORTLAND, OREGON

PRELIMINARY SITE
UTILITY PLAN

SA0001

2 of 2

DATE: 7-11-2011

BY: J. STORNO

CHECKED BY: J. STORNO

DATE: 7-11-2011

BY: J. STORNO

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DATE: 7/20/2012

DATE: 7/20/2012