



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 19, 2012
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@portlandoregon.gov

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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-102785 LDS

GENERAL INFORMATION

Applicant: Aleksey & Vyacheslav Shkurov
13708 SE Claybourne Street
Portland, OR 97236-4515

Representative: David Popescu
NW Civil Design, LLC
9715 NE 100th Way
Vancouver, WA 98662

Slava Shkurov
4107 SE 82nd Avenue
Portland, OR 97266

Site Address: 13708 SE Claybourne Street

Legal Description: LOT 30&31 TL 8200, LAMARGENT PK NO 2
Tax Account No.: R466209350
State ID No.: 1S2E23AB 08200
Quarter Section: 3744
Neighborhood: Pleasant Valley, contact Linda Bauer at 503-761-2941.
Business District: N/A
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Johnson Creek Basin - South
Zoning: Residential 10,000 (R10) w/ Alternative Design Density Overlay (a)
Case Type: Land Division Subdivision (LDS)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to divide the subject property into 4 lots ranging in size from 10,063 to 10,847 square feet and extend the SE Glenwood Street public right-of-way through the site.

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 4 units of land. 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 **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**.

FACTS

Site and Vicinity: The site is located on the south side of SE Claybourne Street approximately 90 feet east of SE 136th Avenue. Existing improvements consist of a single family dwelling that will be demolished. 10 trees subject to preservation standards are located within the land division site. The site topography is fairly level and slopes slightly eastward at approximately 6 percent. The surrounding vicinity is primarily comprised of single family zoning with comparable development. Commercial and multi-family zoning and development is located approximately 700 feet north of the site along SE Foster Road. Johnson Creek is located approximately 330 feet south of the site.

Infrastructure:

- **Streets** – The site has approximately 141-feet of frontage on SE Claybourne Street and 46-feet of frontage on SE Glenwood Street. There is one driveway entering the site from SE Claybourne Street that serves the existing house on the site. At this location, both SE Claybourne Street and SE Glenwood Street are classified as a Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 800 feet northwest of the site on SE Foster Road via Bus #10. Parking is currently allowed on both sides of each street.

At this location, SE Claybourne Street is improved with a 32-foot paved roadway surface and .5-foot curb within a 60-foot wide right-of-way. SE Glenwood Street is improved with a 26-foot paved roadway surface and pedestrian corridor that consist of a 4-foot planter, 5-foot sidewalk and .5-foot setback to private property (4-5-.5) within a 46-foot wide right-of-way.

- **Water Service** – There is an existing 6-inch DI water main in both SE Claybourne and SE Glenwood Street. The existing house is served by a 5/8-inch metered service from the main in SE Claybourne Street.
- **Sanitary Service** - There is an existing 8-inch HDPE public sanitary only sewer line located in SE 136th Avenue and an 8-inch PVC public sanitary only sewer line located in SE 137th Avenue. There is no existing sanitary sewer available to this site.

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

The “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.

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. The site is in the South Subdistrict of this plan district.

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 **April 6, 2012**. Two written responses have been received from the Neighborhood Association or notified property owners in response to the proposal (Exhibits F.1 & F.2). The following concerns were expressed in the neighborhood responses:

- Extension of SE Glenwood Street
- Compatibility
- Environmental & drainage concerns

Staff Response: The land division site is adjacent to a subdivision (Creekwood Estates) that was platted in 2001 and located in a higher density residential zone (R7). Properties to the east of this area are of a lower density residential zone (R10) due the presence of Johnson Creek and wooded areas that covered by environmental zoning overlays. Large tracts of land are present in this area outside of the environmental zoning that will require the extension of public streets to serve future development. Therefore, the Portland Bureau of Transportation has required the extension of SE Glenwood Street through the land division site for compliance with connectivity requirements. The site does not contain any environmental overlays and stormwater infiltration has been addressed by the Bureau of environmental Services and Site Development section of BDS (see findings associated with criterion L below).

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	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 4 single family parcels for detached houses. The minimum and maximum density for the site is as follows:

Minimum = (48,988 square feet * .68) ÷ 10,000 square feet = 3.33 (which rounds down to a minimum of 3 lots, per 33.930.020.A)

Maximum = (48,988 square feet * .85) ÷ 10,000 square feet = 4.16 (which rounds down to a maximum of 4 lots, per 33.930.020.B)

The applicant is proposing 4 lots. 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)
R10 Zone	6,000	17,000	50	60	30
Lot 1	10,163		70.56	146.65	70.56
Lot 2	10,063		70.56	145.27	70.56
Lot 3	10,701		66.16	167.97	66.16
Lot 4	10,847		66.16	167.97	66.16

* 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.

Through Lots

Lots 1 and 2 are considered through-lots. Through lots are allowed only where both front lot lines are on Local Service Streets. SE Claybourne Street and SE Glenwood Street are both

Local Service Streets, therefore Lots 1 and 2 are allowed. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

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 submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). A total of 10 trees were inventoried, of which 7 trees were determined to be exempt as they are either considered a nuisance species or are diseased in a manner that threatens continued viability. Thus, 3 non-exempt trees are located within the land division site. These non-exempt trees comprise 42 inches in total diameter for the purposes of chapter 33.630.

The applicant proposes to preserve tree #103 (15" Douglas fir), which comprise of 15 inches of diameter, or 35 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 and Grading Plan showing the preserved tree and the required root protection zones (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 Lot 1 is carried out in conformance with the Preliminary Clearing and Grading 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 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 Clearing and Grading Plan (Exhibit C.3) 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, per the applicant's Tree Preservation Plan, and the overall limits of disturbed area.

The proposed clearing and grading shown 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 infiltration swales 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 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 the removal of the existing house and decommissioning of the septic system. 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 right of way, and outside of the root protection zone of the tree on the site to be preserved.

As shown above, the Preliminary Clearing and Grading Plan meets the approval criteria. The Site Development Section of the Bureau of Development Services requires that the applicant apply for a Site Development Permit for mass grading and utility construction in the new public street right-of-way. The permit application must include a final clearing and grading plan, that must be consistent with the preliminary clearing and grading plan approved with the land division. With a condition of approval that the applicant's final clearing and grading plan is consistent with the preliminary clearing and grading plan, 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. The applicant has proposed to remove the existing house and redevelop the site. An on-site sanitary disposal facility currently serves the existing house. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and decommissioning of the septic system prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

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

- A 15-foot wide Public Sanitary Sewer Easement is required over the relevant portions of Lot 2, to extend a sanitary sewer main from SE 137th Avenue south to SE Glenwood Street to serve the proposed lots.

With a condition of approval requiring the above easement to be shown on the Final Plat, 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

The water standards of 33.651 have been verified and noted earlier in this decision. The existing 5/8-inch metered service from the main in SE Claybourne Street may potentially be used to provide service to proposed Lot 1. In order to serve proposed Lots 3 and 4, a water main extension of approximately 80-feet will be required in the proposed right-of-way extension of SE Glenwood Street. Appropriate plans and assurances must be provided to the Portland Water Bureau, prior to final plat approval, in order to meet the standards of 33.651 and the technical requirements of Title 21. With the conditions of approval noted above, this criterion is met.

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

The sanitary sewer standards of 33.652 have been verified and noted earlier in this decision. There is no public sanitary sewer available in either SE Claybourne Street or SE Glenwood Street to serve the proposed lots. The nearest available sewer is located in SE 137th Avenue. The applicant has proposed to extend a sanitary sewer main from SE 137th Avenue south to SE Glenwood Street via a public easement over the relevant portions of Lot 2. The applicant must obtain a public works permit to extend the public sewer to this site prior to final plat approval and provide an easement on the Final Plat. With the conditions of approval noted above, this criterion is met.

33.653.020 & .030 Stormwater Management criteria and standards- See Exhibit E.1

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:

- **Public Street Improvements:** Stormwater from the new impervious areas associated with the SE Glenwood Street extension (discussed later in this decision) will be directed into an 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. 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.

As a condition of this land use approval, the Office of Transportation requires the applicant to improve the site's SE Claybourne Street frontage to City standards (discussed later in this decision). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Lots 1-4:** 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. The Bureau of Environmental Services has indicated conceptual approval of the drywells. However, the Site Development section of BDS has indicated that the conceptual location of drywells for Lots 3 and 4, depicted on submitted site plans, are located within the minimum 200 foot offset from slopes greater than 10 feet in high and steeper than 2H:1V. Therefore, the locations of the drywells need to be revised to meet the minimum offset. If the locations are to remain unchanged, an addendum report must be provided that recommends the facilities be placed within the minimum offset by demonstrating that the facilities will not destabilize adjacent slope. This revised plan and/or addendum report must be provided

prior to Final Plat approval.

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 area in 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. The Bureau of Transportation has required an extension of SE Glenwood Street through the land division site.

The only new through pedestrian connections included in the proposal are new sidewalks associated with the SE Glenwood Street right-of-way extension. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

The properties to the east of the site appear to have potential to further divide under current zoning, and they are not currently developed in a manner that would preclude the extension of a street from the site. The proposed street will terminate at a location on the site boundary that will allow it to be further extended to serve those properties if they further develop in the future.

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 approximately 40 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).

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 instance, Portland Transportation has determined that the existing pedestrian corridor improvements adjacent to the site's SE Claybourne Street frontage are deficient per the Pedestrian Design Guide. Therefore, sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. The existing right-of-way is sufficient to accommodate the required improvements.

SE Glenwood Street is required to be extended through the land division site to serve the proposed lots. The street is anticipated to serve the vehicle traffic, pedestrians and bicyclists accessing these lots, as well as additional lots to the east in the future. The street dedication is proposed to be 54-feet wide, to provide room for the construction of a 26-foot wide paved roadway that allows two travel lanes, parking on both sides, two 6-inch curbs, an 8-foot wide infiltration swale and a 5-foot wide sidewalk. The applicant will be disposing of stormwater from the street in an infiltration swale located in the area where the standard planter strip would be located. As discussed previously in this report, the proposed infiltration swale has been sized to accommodate this stormwater facility. The Office of Transportation has indicated that the proposed street width (dedication) and improvements are sufficient to serve these expected users. The applicant must provide plans and financial assurances for the construction of this street prior to final plat approval. In addition the right-of-way dedication necessary to accommodate the new public street must be shown on the final plat.

With the conditions of approval described above, 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 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 applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R10 zone. Therefore, 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 fire apparatus access, fire hydrant spacing, fire flow/water supply and aerial Fire Department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E-4).

- The applicant must meet the requirements of Urban Forestry for street tree planting associated with the SE Claybourne Street and SE Glenwood Street right-of-way improvements. This requirement is based on the standards of Title 20 (Exhibit E-4).

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibits C.1-C.3). 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: public infrastructure improvements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision that will result in two through lots (Lots 1 and 2), two standard lots (Lots 3 and 4) and a public right-of-way extension of SE Glenwood Street, as illustrated with Exhibits C.1-C.3, 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 Glenwood Street. The required right-of-way dedication must be shown on the final plat.
2. A public sanitary sewer easement, granted to the City of Portland, shall be shown over the relevant portions of Lot 2, to the satisfaction of the Bureau of Environmental Services. The easement must be labeled as "Public Sewer Easement to COP".
3. 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.7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Tree Preservation Requirements has been recorded as document no. _____, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the City Engineer for the extension of SE Glenwood Street. 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.
2. The applicant shall submit an application for a Site Development Permit for mass grading and utility construction for the new Public 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.3.
3. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main from SE 137th Avenue south to SE Glenwood Street. 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.

4. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in SE Glenwood Street.
5. 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.
6. A finalized permit must be obtained for demolition of the existing residence and decommissioning of the sanitary sewer system on the site. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
7. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Lot 1. 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.
8. The applicant shall provide a plan with revised locations of conceptual drywells for Lots 3 and 4 demonstrating compliance with the minimum 200-foot setback from slopes greater than 10 feet in height and steeper than 2H:1V. If the locations are to remain unchanged, an addendum report must be provided that is stamped by a registered design professional licensed in the State of Oregon recommending the facilities be placed within the minimum setback by demonstrating that the facilities will not destabilize adjacent slopes.

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

1. Development on Lot 1 shall be in conformance with the Preliminary Clearing and Grading Plan (Exhibit C.3) and the applicant's arborist report (Exhibit A.2). Specifically, tree #103 (15" Douglas fir) is required to be preserved, with the root protection zone 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.
3. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SE Claybourne Street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor on each lot per the City Engineer's discretion.

Staff Planner: Sean Williams

Decision rendered by:  **on July 17, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 19, 2012

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 11, 2012, and was determined to be complete on April 3, 2012.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 11, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A.5.

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 2, 2012** 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.**

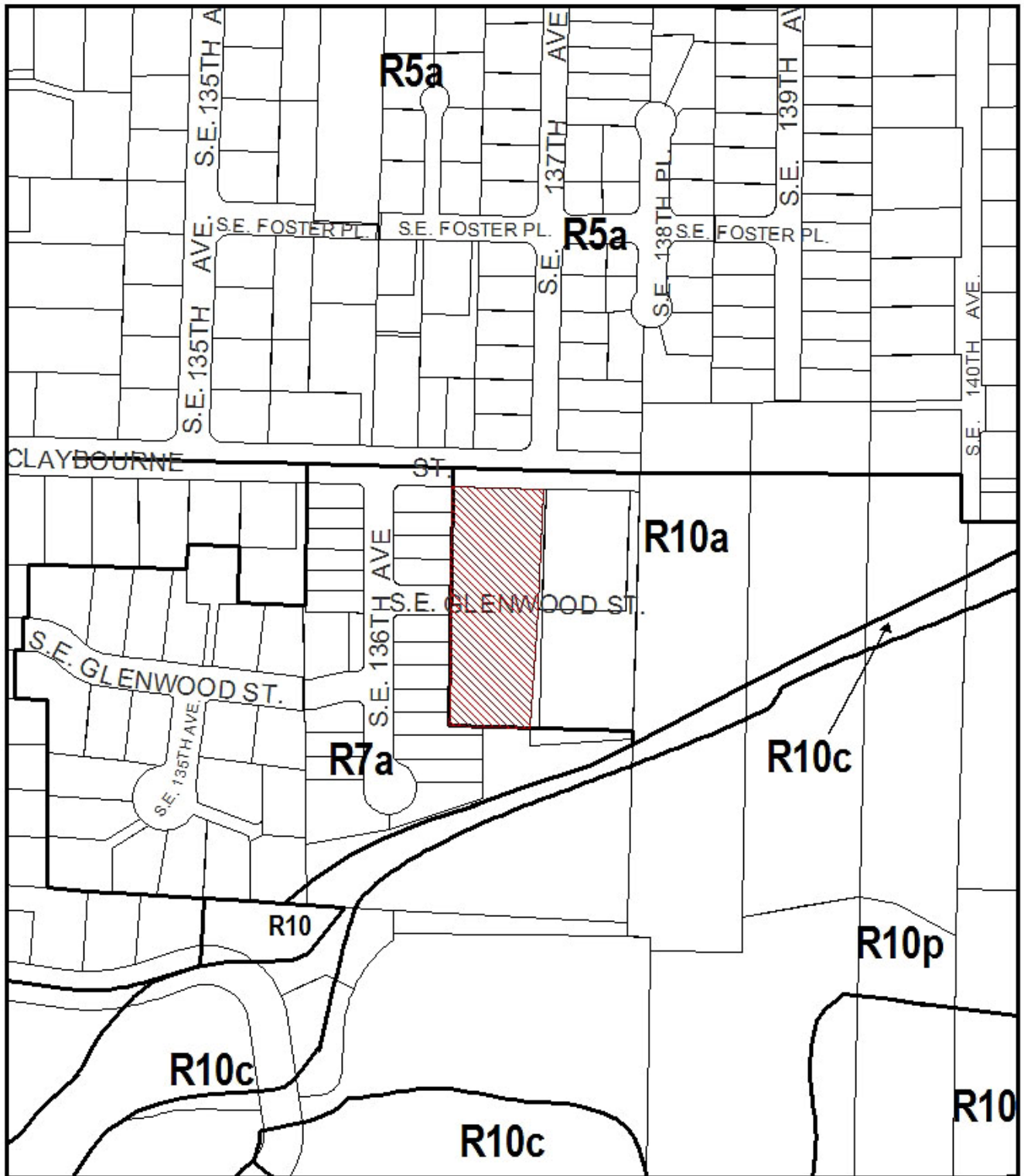
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Approval criteria narrative
 - 2. Arborist Report w/ Addendum
 - 3. Geotechnical Report
 - 4. Simplified Approach Stormwater Report
 - 5. LU Timeline Extension(s)
 - 6. Neighborhood Notification
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Subdivision Plat (attached)
 - 2. Existing Conditions & Improvements Plan
 - 3. Preliminary Clearing and Grading Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ Addendum
 - 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:
 - 1. Dawn & Jim Waddington (4/20/12)
 - 2. Tim Ludeman (5/6/12)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. RFC Responses

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 12-102785 LDS
1/4 Section	3744
Scale	1 inch = 200 feet
State_Id	1S2E23AB 8200
Exhibit	B (Jan 12, 2012)

PARCEL 1
13714 SE Claybourne St.

PARCEL 2
13722 SE Claybourne St.

PLAT NO. 1993-130

SECTION 28.56
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SECTION 29.00

LOT 1
10,163 S.F.

LOT 2
10,063 S.F.

LOT 3
10,701 S.F.

LOT 4
10,847 S.F.

TOTAL LOT AREA
48,988 SQ. FT.
1 1/2 AC

15' PERIOD 1971 TO 1981

S.E. GREENWOOD ST.

S.E. 136TH AVE.

S.E. CLAYBOURNE ST.

LOT 23
6602

LOT 22
6608

LOT 21
6616

LOT 20
6628 SE 136th Ave.

LOT 19
6706

LOT 18
6712

LOT 17
6718

LOT 16
6724

LOT 15
6730

SECTION 28.56
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SECTION 28.99
SECTION 29.00

ENLARGED FOR CLARITY

CASE NO. 12-102785
EXHIBIT C.1



NOTES:

PROPOSED AMOUNT OF SOIL TO BE DISTURBED: 240 CY.
 PROPOSED AREA OF SITE TO BE CLEARED/GRADED: 9,700 SF.

- PROPOSED DRAINAGE FLOW
- PROPOSED CLEARING LIMITS
- 277 — PROPOSED CONTOURS

ENLARGED FOR CLARITY

CASE NO. 12-102785
 EXHIBIT C.3