



MULTNOMAH COUNTY OREGON

LAND USE AND TRANSPORTATION PROGRAM

1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

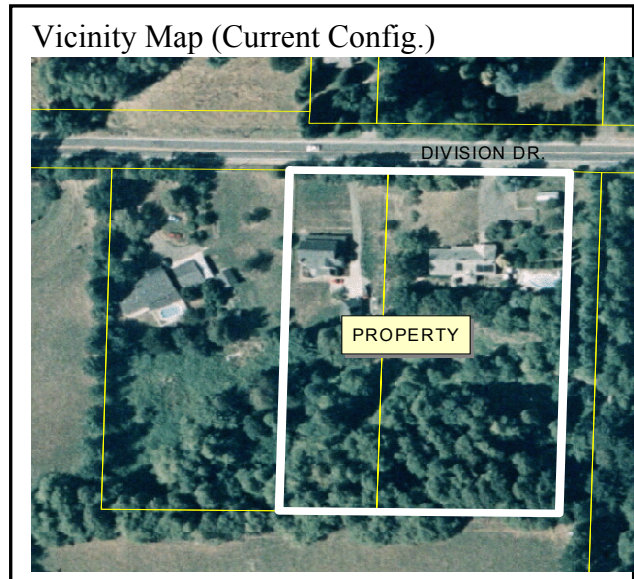
This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-05-026

Permit: Lot of Exception Land Division

Location: 29100 SE Division Dr.
Troutdale, OR 97060
(R994070470) 1S4E7-300
&
29106 SE Division Dr.
(R994070620) 1S4E7-400

**Applicants/
Owners:** Melvina Wagner
(29100 SE Division Dr.)
Marvin Loughmiller
(29106 SE Division Dr.)



Summary: Divide a 3.1 acre property with two homes into a 1.03 acre and a 2.07 acre property, each containing one home.

Decision: Approved with Conditions.

Unless appealed, this decision is effective May 27, 2005 at 4:30 PM.

Issued by:

By: _____
Adam Barber, Planner

For: Karen Schilling- Planning Director

Date: May 13, 2005

Instrument Numbers for Recording Purposes: 2004081888 (29100 SE Division Dr.)
2003202531 (29106 SE Division Dr.)

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Adam Barber, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is May 27, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 - Code Compliance And Applications; MCC 36.0005(L)(13) & 36.2870 – Lot of Record; MCC 36.2855 - Dimensional Standards and Development Requirements; MCC 36.2860 - Lots of Exception; MCC 36.7700 – 36.8035 – Land Divisions.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at http://www.co.multnomah.or.us/dbcs/LUT/land_use.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **The property owners, or representatives thereof, shall complete the “Applicant’s Instructions for Finishing a Land Division,” attached as Exhibit A1.**
2. **The property owners, or representatives thereof, shall retain a surveyor to complete the “Surveyors Instructions for Finishing a Land Division,” attached as Exhibit A2.**
3. **The property owners, or representatives thereof, shall have a drainage easement document drafted and recorded with the County Record’s Management Office (503-988-3034) - (MCC**

36.7935(A)). The easement document shall contain the language attached as Exhibit A3, and contain description of the easement area. The easement language shall also be placed on the Partition Plat to be recorded as required by MCC 36.7860(A)(4). The normal high water line of the creek shall also be shown on the Partition Plat as required by MCC 36.8020(C).

The real property subject to these drainage easement requirements includes the area described below around the entire length of Beaver Creek passing through the southern portion of both properties involved in this land division. The drainage easement area shall include the area between the Ordinary High Water lines on each bank of the creek and shall also include a 10-foot wide strip measured outward (northerly) from the creek's northern Ordinary High Water line. This 10-foot wide strip is necessary to allow the County to access the creek, if needed.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as *Applicant:* to the applicable criteria.

1.0 Project Description

Staff: The applicant has requested to complete a partition process dividing 3.1 acres of land into a 1.03 acre piece of land (29100 SE Division Drive) and 2.07 acre piece of land (29106 SE Division Drive). The land division was started in 1988 through the recording of deed documents but has not been completed to date. Staff will evaluate the request in accordance with current land division standards.

2.0 Vicinity Description

Staff: The 3.1 acre subject property is located off of Division Drive in the West of the Sandy River Rural Plan Area roughly half way between the Sandy River and the City of Gresham's western extent (Exhibit A4). Land use zoning of the subject property is Multiple Use Agriculture-20 (MUA-20) with a Significant Environmental Concern overlay for water resource protection. Beaver Creek, a tributary of Johnson Creek, flows from west to east across the southern quarter of the subject property. A slope hazard zoning overlay impacts the southern fifth of the subject property. As seen in a 2002 aerial photo, the northern half of the property is partially cleared with the southern portion moderately to heavily forested. The northern half of the site is relatively level but quickly slopes off into the southern half of the property towards the creek bed below. The neighborhood surrounding the site is predominately farm land interspersed with residences. The subject site contains two dwellings and a shop.

3.0 Public Comment (MCC 37.0530(B))

Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Directors decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.

Staff: An opportunity to comment was mailed to property owners within 750-feet of the subject property on March 31, 2005. The only comment submitted was from Alison Winter, Multnomah County Transportation Planning Specialist. Mrs. Winter stated that County Transportation does not have any issues with the after the fact partition. Considering the response from Mrs. Winter, Staff finds no significant comments were received that need to be investigated further.

4.0 Initiation of Action (MCC 37.0550)

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Records submitted by the applicant indicate Melvina Wagner is the owner of 29100 SE Division Drive and Marvin Loughmiller is the owner of 29106 SE Division Drive. Both owners have signed the general application form contained in the case file which is adequate authorization for Multnomah County to process this request.

5.0 Code Compliance (MCC 37.0560)

The County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Staff: In 1962, the original landowner of 29106 SE Division Drive obtained a mortgage on 2.07 acres of the 3.1 acre subject property involved in this request. In 1988, the remaining 1.03 acre of the total three 3.1 acres was improperly divided off the original 3.1 acre property upon recording of a bargain and sale deed for the 1.03 acre without land use approval. A land division approval was not granted by Multnomah County for this division as required at the time. The 1.03 acre property became what is known today as 29100 SE Division Drive. If approved and all conditions followed, this land division decision will bring both properties into compliance with current Multnomah County Code by essentially finishing a land division started in 1988.

6.0 Dimensional Standards and Development Requirements.

- 6.1 All development proposed in this district shall comply with the applicable provisions of this section (MCC 36.2855(C)).**

Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Minimum Front Lot Line Length - 50 feet.

Staff: All minimum yard dimensions and minimum front lot line length will be satisfied as indicated on the Tentative Plan Map presented as Exhibit A5.

- 6.2 The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance (MCC 36.2855(D)).**

Staff: According to Alison Winter (Multnomah County Transportation Planner), County Transportation does not have any issues with this proposal (Exhibit A6). Considering the response from Mrs. Winter, Staff finds this standard met and that no additional yard is required for right-of-way expansion at this time.

6.3 On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot (MCC 36.2855(D)).

(MCC 36.2855(D)(1)) - Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(MCC 36.2855(D)(2)) - Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The city of Portland sanitarian has verified the existing septic system on both properties is adequate (Exhibit A7). No new impervious surface is proposed in association with this land division request that requires storm water/drainage control evaluation. The existing site drainage is not known to be problematic.

7.0 Land Division Standards

The purpose of the land division review is to minimize street congestion, minimize impacts due to flooding, fire and geologic hazards, prevent the overcrowding of land and to ensure adequate provisions for transportation, water supply, sewage disposal, and other public services (MCC 36.7715).

Staff: This partition will be classified as a Category 3 Land division as the partition will result in a parcel with a depth-to-width ratio exceeding 2.5 (depth) to 1 (width). The current configuration of Tax Lot 300, also referred to as 29100 SE Division Drive, exceeds the 2.5:1 ratio referenced in MCC 36.7775(D). This division will also create properties within the Significant Environmental Concern zone. This alone classifies this action as a Category 3 Land Division (MCC 36.7775(F)). The following standards apply to a Category 3 Land Division process:

7.1 In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 36.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district. Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances (MCC 36.7800 (B));

Applicant: "Yes."

Staff: On December 16th 1988, the County approved a new single family dwelling at 29100 SE Division Drive (Exhibit A9). The approval contains a site plan showing the location of the proposed building on the lot, which is shown in the same configuration as it is today. At that time, the zoning code allowed "a single family dwelling constructed on a lot." The code also contained a Lot of Record provision. It is not clear from the record how the lot of record determination was made, however the 1988 land use approval demonstrates that the County determined both

properties involved in this request were in compliance with the underlying zoning district regulations at that time. The County can not now revisit this interpretation and therefore finds both properties are in compliance with zoning district regulations. The two resulting properties will be roughly one and two acres in size allowing adequate room for future residential improvements. Both properties are already developed today with single family dwellings.

7.2 The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter, and the applicable General Standards and Requirements of MCC 36.7885 through 36.7965 (MCC 36.7800(C)).

Applicant: "Yes."

Staff: The purpose and intent of the Land Division ordinance is to provide a mechanism for the creation of new safe and efficient properties. The proposed tentative plan shows a division best utilizing the upland, developable portions of both properties for structures, roads and septic systems and minimizes any dependency on the southern part of both properties subject to flood events. A copy of the plan is presented as Exhibit A5. Staff finds the tentative plan map meets this standard.

7.3 Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent (MCC 36.7800(H)):

(MCC 36.7800(H)(1)) - The infiltration of flood waters into the system; and

Applicant: "Closed System."

Staff: The existing septic drain field areas are not located in an area subject to frequent flood events. The septic drain fields are located towards the highest portions of the property. Water is provided to both homes by enclosed water lines not subject to external flood damage. Water lines crossing the property do not extend into flood prone areas.

(MCC 36.7800(H)(2)) - The discharge of matter from the system into flood waters.

Applicant: "Self Contained."

Staff: The drainfield and tank, which are parts of the system that might have a potential to release effluent into flood waters are outside of flood areas. The proposal meets this standard.

7.4 A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following Type 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 36.7810 shall indicate the following (MCC 36.7860(A)):

(MCC 36.7860(A)(1) Date, north point and scale of drawing.

(MCC 36.7860(A)(2) Description of the proposed land division sufficient to define its location and boundaries.

(MCC 36.7860(A)(3) Identification as a tentative plan map.

- (MCC 36.7860(A)(4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.**
- (MCC 36.7860(A)(5) Natural features, water courses or areas covered by water.**
- (MCC 36.7860(A)(6) The location and use of any buildings or structures proposed to remain after division.**
- (MCC 36.7860(A)(7) The proposed parcels, their dimensions and areas.**
- (MCC 36.7860(A)(8) Contiguous property under the same ownership.**

Applicant: "See Exhibit A (Tentative Plan Map). Beaver creek 90 feet south of house."

Staff: All necessary information is presented on the tentative plan map presented as Exhibit A5 in combination with the 2002 aerial photo of the project area (Exhibit A8).

7.5 Written information; Category 3 tentative plan. Written information shall include (MCC 36.7860(B)):

- (1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.**
- (2) Proof of record ownership of the tract and the representative's authorization.**
- (3) Legal description of the tract.**
- (4) Present and proposed uses.**
- (5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.**
- (6) Statements of the manner in which the criteria for approval listed in MCC 36.7855 are satisfied.**
- (7) Statement of the improvements to be made or installed and the time scheduled therefore.**

Staff: The narrative statements outlining the proposal details have been provided by the applicant and are presented as Exhibit A9 to this decision. Other required information such as contact information for the owners, etc. is presented in the permanent case file.

7.6 Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 36.7805 through 36.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter (MCC 36.7860(C)).

Staff: The required information has been submitted. No further information is necessary to evaluate this request.

7.7 Every land division proposal shall comply with the applicable provisions of MCC 36.7890 through 36.7965 (MCC 36.7885).

Applicant: "Yes."

Staff: The applicable standards are addressed on a point-by-point basis below.

7.8 A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics (MCC 36.7890):

- (A) Slopes exceeding 20%;**
- (B) Severe soil erosion potential;**
- (C) Within the 100-year flood plain;**
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- (E) A fragipan or other impervious layer less than 30 inches from the surface; or**
- (F) Subject to slumping, earth slides or movement.**
- (G) Pre-existing field drains or other subsurface drainage systems.**

Applicant: "Stabilized by trees and ground cover. Top soil in 3 feet to 4 feet deep. None (of the other constraints) known (to exist)."

Staff: According to Staff's field observations, the southern third of both properties slope over 20%. The properties are large enough that the steep slopes towards the rear of the properties do not and have not precluded the properties from being developed over time. The northern two thirds of both properties (the level, developed section), consists of the Quatama Loam soil unit 37B. This unit exhibits, on average, a 'slight' erosion according to Multnomah County's Soil Survey¹. The Wollent Silt Loam soils (unit 57) composing the southern portions of the property surrounding the creek are listed as having, on average, a 'slight' erosion potential in Multnomah County's Soil Survey. This portion of the property is not ideal for future development due to steep slopes, difficult access and proximity to the creek. Staff finds the on-site soils do not exhibit severe erosion potential.

According to the County's Soil Survey, the Quatama Loams do not typically exhibit a high water table or shallow fragipan, although the Wollent Silt Loams do often exhibit these characteristics. The Wollent soil unit is also documented as low strength soil. It should be noted that slope failure and water table conditions have not prevented either property from becoming developed and that the developable, flatter portions of the property are within the Quatama Loam unit rather than the Wollent unit which forms the steep slopes and creek flowing through the southern portion of both properties. Neither property is mapped within a 100-year floodplain regulated by Multnomah County's regulations. Staff finds the natural conditions of the site are appropriate for the development as proposed and that this standard is met.

7.9 The design of lots and parcels shall comply with the following: The size, shape, width, orientation and access shall be appropriate (MCC 36.7895(A)):

Staff: The properties proposed will facilitate single family residential development. The design of the parcels will create two rectangular shaped properties, each having direct access to Division Drive and a long private back yard consisting of a vegetated riparian area. This configuration is appropriate in design as it allows enough width for two homes, both with road access while distributing the ownership of the undevelopable floodplain towards the rear of both properties. In this way, one property will not be burdened more than the other by Beaver Creek and both can enjoy the benefits.

¹ USDA (1983).

7.9.1 (MCC 36.7895(A)(1)) - To the types of development and uses contemplated;

Staff: The applicant is not proposing new uses or development. One home currently exists on each property. The result of this land division will be formal recognition of a process improperly initiated in 1988.

7.9.2 (MCC 36.7895(A)(2)) - To the nature of existing or potential development on adjacent tracts;

Staff: None of the adjacent tracts of land depend on either one of the subject properties for access, water or septic disposal. The proposed land division will not impact development potential on any adjacent tracts.

7.9.3 (MCC 36.7895(A)(3)) - For the maximum preservation of existing slopes, vegetation and natural drainage;

Staff: The applicant is not proposing new development, only to finalize a land division started in 1988. Both properties are developed with single family dwellings. Both properties have room available for residential expansion (i.e. addition) in the future without constructing on steep slopes. The proposed division does not require development of steep slopes, vegetated areas or areas conveying natural drainage. This standard is met.

7.9.4 (MCC 36.7895(A)(4)) - To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

Staff: The design of both properties creates a private backyard with creek and wooded slopes. The applicable yard setbacks are designed in part to provide privacy between structures. All structures meet current yard setbacks.

7.9.5 (MCC 36.7895(A)(5)) - To the climactic conditions including solar orientation and winter wind and rain.

Staff: The parcel design allows adequate light and space to surround both homes. Because the developed portions of both lots are nearly level, one home does not block the sun from the other, for example. Large Fir trees are located to the north and south of both homes providing buffering from winter winds. The parcel design allows more trees to be planted in the future around either home if more buffering from the sun, wind or rain is desired.

7.10 The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable (MCC 36.7895(B)).

Staff: As indicated on the tentative plan map, the front and rear lot lines run generally east-west and the side lot lines of each property run generally north south. Staff finds the resulting lot line orientations will be generally perpendicular as required by this section of the code.

7.11 Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation (MCC 36.7895(C)).

Staff: The applicant has not proposed a double or reverse frontage lot configuration.

(* * *)

- 7.12 Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines (MCC 36.7935(A)).**

Applicant: "As needed."

Staff: Drafting and recording a drainage easement that complies with this standard is a condition of approval.

- 7.13 Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer (MCC 36.7935(B)).**

Applicant: "As needed."

Staff: A Multnomah County Engineer, Greg Kirby, provided the draft easement language required to be recorded as a condition of this approval. A copy of the draft language is presented as Exhibit A3. This standard will be met when the easement referenced in Condition #3 is recorded.

- 7.14 Easements for pedestrian paths and bikeways shall be not less than 10 feet in width (MCC 36.7935(C)).**

Applicant: "Not Applicable."

Staff: Establishing an easement for pedestrian or bike pathways is not necessary for this proposal. This standard does not apply.

(* * *)

- 7.15 Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows (MCC 36.7985):**

**(A) In a public street - in accordance with the Street Standards Code and Rules; and
(B) In a private street - as approved by the approval authority.**

Applicant: "Fire hydrant on edge of lot."

Staff: No new water mains or hydrants are proposed. An existing fire hydrant is located at the northeast corner of the property.

- 7.16 The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 36.7990 of this Chapter. Each parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drain field area, and for surface and storm drainage systems (MCC 36.7955).**

Staff: The City of Portland sanitarian has verified the existing primary and reserve septic areas are adequate by signing the Certification of On-Site Sewage Disposal Form (Exhibit A7). To Staff's knowledge, the present method of storm drainage disposal from impervious surfaces is not problematic.

- 7.17 A sewage disposal system approved by the State Department of Environmental Quality, shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed (MCC 36.7990(A)).**

Applicant: "Yes, in place."

Staff: The City of Portland sanitarian has verified the existing septic tank and drain field serving both property meet current regulations designed to comply, in part, with this standard (Exhibit A7).

- 7.18 Surface drainage and storm water control systems shall be provided as required by section MCC 36.7995. On -site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after development is no greater than that before development (MCC 36.7960).**

Staff: No new structural development is proposed with this land division request. Any future structural development on either of the two properties will be evaluated for adequate storm water disposal off all new impervious surfaces.

- 7.19 Surface Drainage and Storm Sewer facilities shall be constructed as follows (MCC 36.7995):**

**(A) In a public street - in accordance with the Street Standards Code and Rules; and
(B) In a private street and on lots or parcels - in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.**

Staff: No new impervious surfaces are proposed that would alter surface drainage. No sewer facilities are proposed. This standard does not apply.

- 7.20 Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation (MCC 36.7965):**

- (A) Is impracticable due to topography, soil or subsurface conditions;
(B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
(C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

Applicant: "Installed in 1962."

Staff: No new electric power, communication lines, street lighting wiring, or cable television wires are proposed.

Conclusion

Based upon the findings contained herein, the applicant has carried the burden necessary to demonstrate that, with conditions, the criteria for a Land Division contained in the Zoning and Land Division codes have been met.

Exhibits

A1	1 p.	Applicant's Instructions for Finishing a Land Division
A2	1 p.	Surveyor's Instructions for Finishing a Land Division
A3	1 p.	Typical Easement Language
A4	1 p.	Vicinity Map
A5	1 p.	Tentative Plan Map – Land Division
A6	1 p.	Comments, Allison Winter, Multnomah County Transportation Planning Specialist
A7	1 p.	City of Portland Sanitation Signoff
A8	1 p.	2002 Aerial Photo
A9	3 pp.	Applicant's Narrative
A10	1 pp.	1998 Approved Plan – Single Family Dwelling at 29100 SE Division Dr.