



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: July 24, 2008
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@ci.portland.or.us

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-165917 LC

GENERAL INFORMATION

Applicant: Dennis J. & Carolyn M. Faris
2708 N. Willis Blvd.
Portland, OR 97217-7016

Representative: Thomas Burton
Burton Engineering
8838 SE Stark St.
Portland, OR 97216

Site Address: 2708 N WILLIS BLVD

Legal Description: LOT 20-22 BLOCK 38, PENINSULAR ADD 3
Tax Account No.: R655231080
State ID No.: 1N1E09CA 05200
Quarter Section: 2227
Neighborhood: Kenton, contact Steve Rupert at 503-317-6573..
Business District: Kenton Business Association, contact Echo Leighton at 503-285-7234.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: None
Zoning: Residential 5,000 (R5) w/ Alternative Design Density Overlay (a)
Case Type: Lot Consolidation (LC)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is requesting to consolidate Lots 20 and 21 of the above referenced subdivision in order to process a Property Line Adjustment (**07-165925 PR**) with Lot 22. An existing dwelling is located on the northern half of the three lots involved in this request. The lot consolidation in conjunction with a property line adjustment will allow for the creation of an additional building site while still retaining the existing dwelling.

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 **33.675.300, Standards for Lot Consolidations.**

ANALYSIS

Site and Vicinity: The subject tax account is comprised of lots 20-22, Block 38 of Penninsular Add. 3 subdivision. The site is a corner lot with 75 feet of frontage on N. Willis Street and 100 feet of frontage on N. Burrage Avenue. An existing single family dwelling is located on the northern half of the property. On site parking for the existing dwelling is accessed via a driveway on the western side of the sites N. Willis Street frontage. Existing water and sanitary sewer utilities are provided from main lines in N. Willis Street. The surrounding neighborhood is comprised of similarly platted lots (25' x 100') with a zoning designation of Residential 5,000 (R5).

Zoning: The R5 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 proposal is not using any of the provisions of the "a" overlay.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 18, 2007**. The following Bureaus have responded (see Exhibit E-1 through E-5):

- **Bureau of Environmental Services:** No objections to the proposed lot consolidation.
- **Bureau of Transportation Engineering and Development Review:** No concerns.
- **Water Bureau:** No concerns.
- **Fire Bureau:** No concerns.
- **Site Development Review Section of BDS:** No objections to the proposed lot consolidation.
- **Bureau of Parks, Forestry Division:** No concerns.
- **Life Safety Plans Examiner:** "... there appears to be no conflicts between the proposal and applicable building codes."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 18, 2007**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**LOT CONSOLIDATIONS****33.675.010 Purpose**

This chapter states the procedures and regulations for removing lot lines within a site to create one lot. The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use approvals. The lot consolidation process described in this chapter is different from (and does not replace) the process used by the county to consolidate lots under one tax account. A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

33.675.100 Review Procedure

A. Generally. Lot consolidations are reviewed through Type I procedure.

B. Sites in PUDs or PDs. If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the lot consolidation.

Findings: The site is not involved in any past or proposed Planned Unit Development or Planned Developments therefore the requested lot consolidation review has been reviewed under the Type I procedure.

Approval Standards for a Lot Consolidation**33.675.300 Standards**

A lot consolidation must meet the following standards:

A. Lots. Consolidated lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.

- a. **Minimum lot area. If the area of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot area requirements;**
- b. **Maximum lot area. If any of the lots within the lot consolidation site are larger than the maximum lot area allowed, the lot consolidation site is exempt from maximum lot area requirements;**
- c. **Minimum lot width. If the width of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot width requirements;**
- d. **Minimum front lot line. If the front lot line of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum front lot line requirements;**
- e. **Minimum lot depth. If the depth of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot depth requirements.**

Findings: The above approval criteria are exceptions to lot dimension standards applicable to the base zone in which the lot consolidation site is located. In this case, the standards within Chapter 33.610 apply as the lot consolidation site is in the Residential 5,000 (R5) base zone. The proposed consolidated lot meets the lot dimension standards of the R5 zone as shown in the following table; therefore the above exception criteria are not applicable to this proposal.

	R5 Zone Requirement	Proposed Lot 1 (after consolidation)
Minimum Lot Area	3,000 sq. ft.	5,000 sq. ft.
Maximum Lot Area	8,500 sq. ft.	
Minimum Lot Width*	36 ft.	50 ft.
Minimum Lot Depth	50 ft.	100 ft.
Minimum Front Lot Line	30 ft.	50 ft.

* Width is measured at the minimum front building setback line

- 2. Maximum density. If the consolidation brings the lot consolidation site closer to conformance with maximum density requirements, the consolidation does not have to meet maximum density requirements;**

Findings: The maximum density of the consolidated lot is as follows:

$$\text{Maximum} = 5,000 \text{ (site area)} \div 5,000 \text{ (maximum density from Table 120-3)} = 1$$

The site is developed with one single-family dwelling. Therefore the maximum density will not be exceeded as a result of consolidating lots 20 and 21.

- 3. Lots without street frontage. If the lot consolidation consolidates lots that do not have street frontage with a lot that has street frontage, the consolidation does not have to meet minimum density and maximum lot area requirements;**

Findings: Both of the existing lots involved in this request have frontage on NE Willis Street; therefore this standard is not applicable.

- 4. Through lots. If any of the existing lots within the lot consolidation site are through lots with at least one front lot line abutting an arterial street, then the consolidated lot may be a through lot;**

Findings: None of the existing lots involved in this request are through lots, therefore this standard is not applicable.

- 5. Split zoning. If any of the existing lots within the lot consolidation site are in more than one base zone, then the consolidated lot may be in more than one base zone.**

Findings: Both of the existing lots involved in this request are of the same base zoning designation, therefore this standard is not applicable.

- B. Conditions of land use approvals. Conditions of land use approvals continue to apply, and must be met.**

Findings: There are no previous land use cases for this site; therefore this standard is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

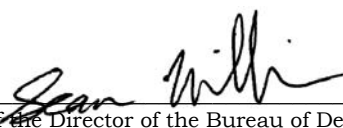
CONCLUSIONS

The applicant proposes to consolidate historic platted lots 20 & 21, Block 38 of Penninsular Add. 3 subdivision into one parcel. No City Bureaus raised objection to the proposal.

As discussed above, the requested lot consolidation has been reviewed and shown to be able to meet all the required standards for lot consolidations as laid out in Section 33.675.300.

ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel from historic Lots 20 & 21, Block 38 of Penninsular Add. 3 Subdivision, as illustrated by Exhibit C.1, signed and dated July 16, 2008.

Decision rendered by:  on July 24, 2008.
By authority of the Director of the Bureau of Development Services

Decision Mailed: July 24, 2008.

Staff Planner: Sean Williams

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED FINAL PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION (October 19, 2008), OR THIS DECISION WILL BECOME NULL AND VOID.** Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 28, 2007, and was determined to be complete on October 16, 2007.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 28, 2007.

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 G-2.

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.

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

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

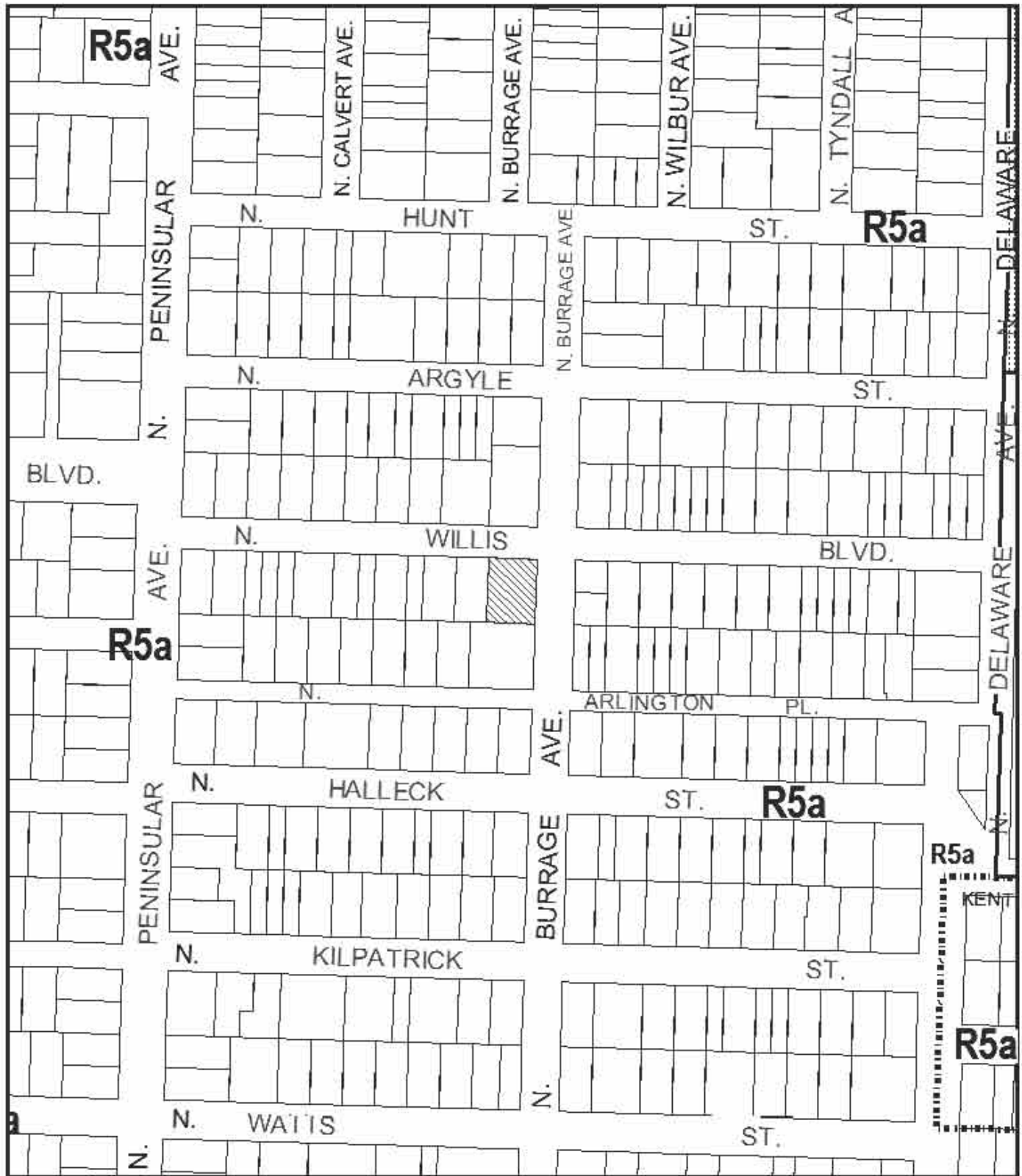
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review / Water Bureau / Fire Bureau
 - 3. Site Development Review Section of BDS
 - 4. Life Safety Plans Examiner
 - 5. Bureau of Parks, Forestry Division
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. 120-Day Waiver

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



ZONING

 Site


 NORTH

File No. LU 07-165917 LC
 1/4 Section 2227
 Scale 1 inch = 200 feet
 State Id 1N1E09CA 5200
 Exhibit B (Oct 08, 2007)

PARTITION PLAT

PARTITION PLAT NO.

THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NO. 07-165917 LU.

SURVEYOR'S NARRATIVE

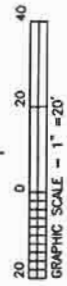
THE PURPOSE OF THIS SURVEY IS TO REPLAT LOTS 20 AND 21, BLOCK 38, PENINSULAR ADDITION NO. 3, INTO ONE UNIT OF LAND, TO MEET THE CITY OF PORTLAND'S REQUIREMENTS FOR THE RECONSTRUCTION OF THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, HOLDING THE RECORD MONUMENT FOUND AT THE NORTHWEST CORNER. THE BEARING OF SOUTH 00°00'00" EAST, AS DETERMINED IN SN 58078, EXTENSIVE SURVEY COVERING THE SUBJECT BLOCK 38, THESE LINES WERE SET OUT AT THE PLAT DISTANCE OF 100.00 FEET, ESTABLISHING THE SOUTH LINE OF THE EAST LINE WAS SET OUT AT THE PLAT DISTANCE OF 50.00 FEET FROM THE WEST LINE.

A REPLAT OF LOTS 20 AND 21
 BLOCK 38, PENINSULAR ADDITION NO. 3
 IN THE SW 1/4 OF SECTION 9, T.1N., R.1E., W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.
 SURVEYED: AUGUST 13, 2007 SCALE: 1" = 20'
 PAGE 1 OF 2

LEGEND

- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BURTON ENG." SET ON AUGUST 29, 2007
- FOUND MONUMENT AS NOTED
- RI SURVEY NO. 58078
- RI SURVEY NO. 58078
- RI WITH RED PLASTIC CAP MARKED "CENTURINE CONCEPTS INC."
- RI PENINSULAR ADDITION NO. 3
- SI SURVEY NUMBER ON FILE
- SI OFFICE COUNTY SURVEYORS
- MEAS. MEAS. MEASURED

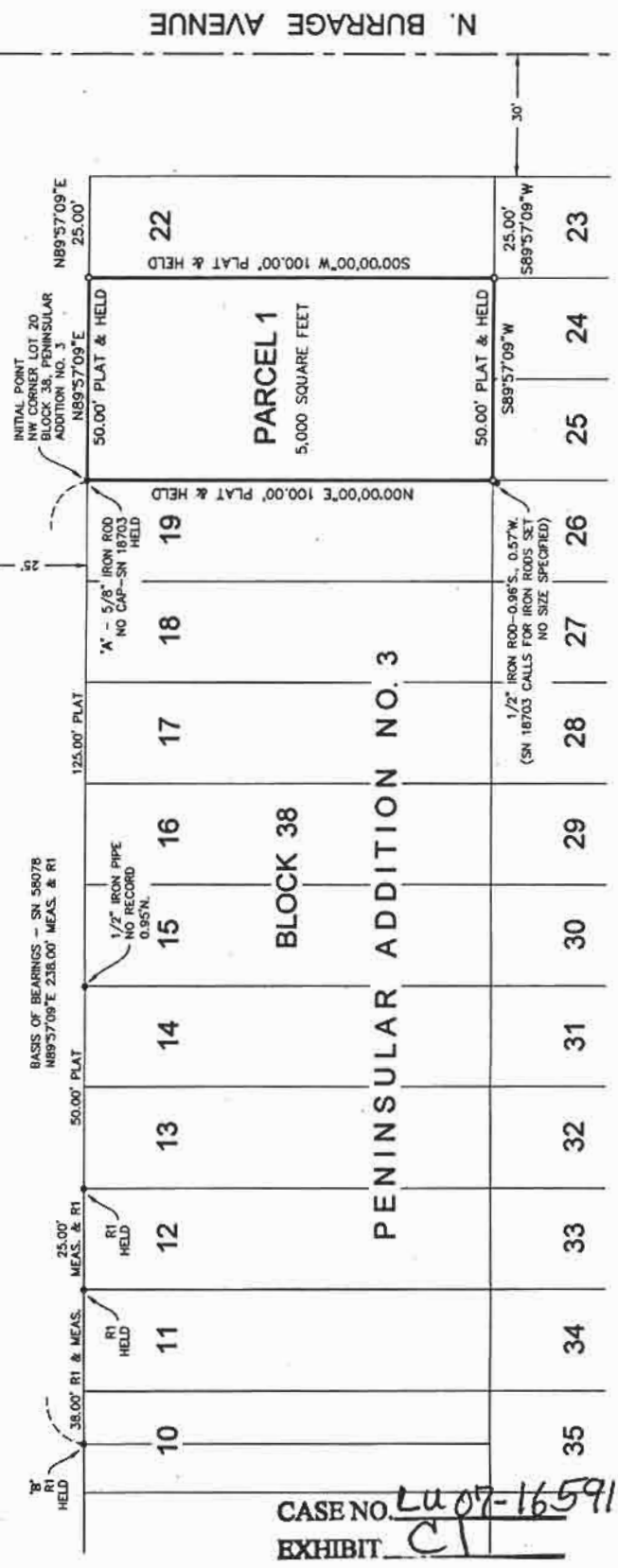
NOTE: FALLINGS ON FOUND MONUMENTS ARE BY CARDINAL DIRECTION



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 DANIEL T. BURTON
 JANUARY 15, 1987
 RENEWS 12/31/09

I CERTIFY THAT THIS SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON.

N. WILLIS BOULEVARD



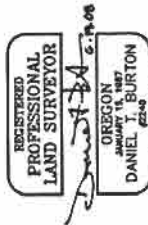
CASE NO. LU 07-165917LC
 EXHIBIT C1

SURVEYED BY:
 BURTON ENGINEERING
 8030 SE SHAW ST., PORTLAND, OR 97216
 PH: 1-503-251-5847 OR FAX 1-503-251-5744
 OR REG. NO. 67422

THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED
 BY THE CITY OF PORTLAND IN CASE FILE NO. 07-165917 LU.

SURVEYOR'S CERTIFICATE

I, DANIEL T. BURTON, ENGINEER, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND
 MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED
 PARTITION PLAT, SAID LAND BEING DESCRIBED AS FOLLOWS:
 LOTS 20 AND 21, BLOCK 38, TOWNSHIP ADDITION NO. 3, MULTNOMAH COUNTY
 PLAT RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 1
 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND,
 MULTNOMAH COUNTY, OREGON, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INITIAL POINT, A 5/8 INCH IRON ROD FOUND AT THE
 NORTHWEST CORNER OF SAID LOT 20, THENCE NORTH 89°57'00" EAST, ALONG THE
 NORTH LINES OF SAID LOTS 20 AND 21, A DISTANCE OF 50.00 FEET TO THE
 EAST; THENCE SOUTH 89°57'00" WEST, ALONG THE SOUTH LINES OF SAID
 LOTS 20 AND 21, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST
 CORNER THEREOF; THENCE SOUTH 89°57'00" WEST, ALONG THE SOUTH LINES OF
 SAID LOTS 21 AND 20, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER
 OF SAID LOT 20; THENCE NORTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID
 LOT 20, A DISTANCE OF 50.00 FEET TO THE INITIAL POINT,
 CONTAINING 5,000 SQUARE FEET.



RENEWS 12/31/09
 I CERTIFY THAT THIS SURVEY MAP
 WAS PREPARED USING HP PRODUCT
 # 51640A ON CONTINENTAL #
 #PCAZ2 POLYESTER FILM.
 I CERTIFY THAT THIS TRACING IS AN
 EXACT COPY OF THE ORIGINAL PLAT.

PARTITION PLAT

A REPLAT OF LOTS 20 AND 21
 BLOCK 38, TOWNSHIP ADDITION NO. 3,
 IN THE SW 1/4 OF SECTION 8, T.1N., R.1E., W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.
 SURVEYED: AUGUST 29, 2007 SCALE: 1" = 20'
 PAGE 2 OF 2

DECLARATION
 KNOW ALL PERSONS BY THESE PRESENTS THAT
 DENIS J. FARIS AND CAROLYN M. FARIS ARE THE
 OWNERS OF THE LAND REPRESENTED ON THE
 ANNEXED MAP OF FARIS CORNER, AND MORE
 PARTICULARLY DESCRIBED IN THE ACCOMPANYING
 SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE
 SAME TO BE REPLATED AND THE PARTITION
 PARTITIONED, IN ACCORDANCE WITH THE PROVISIONS
 OF O.R.S. CHAPTER 92.

DENIS J. FARIS
 CAROLYN M. FARIS

ACKNOWLEDGMENT

STATE OF OREGON }
 COUNTY OF MULTNOMAH }

KNOW ALL PERSONS BY THESE PRESENTS,
 ON THIS _____ DAY OF _____
 2007, THAT DENIS J. FARIS, A NOTARY PUBLIC IN
 AND FOR SAID COUNTY OF MULTNOMAH,
 PERSONALLY APPEARED DENIS J. FARIS AND
 CAROLYN M. FARIS, WHO BEING DULY SWORN
 DID SAY THAT THEY ARE THE IDENTICAL
 PERSONS NAMED IN THE FOREGOING
 INSTRUMENT, AND THAT SAID INSTRUMENT
 WAS EXECUTED FREELY AND VOLUNTARILY.

Notary signature _____

NOTARY PUBLIC FOR THE STATE OF OREGON

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

PARTITION PLAT NO. _____

APPROVALS

APPROVED THIS 16th DAY OF July, 2008
 CITY OF PORTLAND BUREAU OF DEVELOPMENT
 SERVICES DIRECTOR'S DELEGATE
 BY: Seamus Wilk

APPROVED THIS 16th DAY OF July, 2008
 CITY OF PORTLAND, CITY ENGINEER'S DELEGATE
 BY: Christine M. Brady

APPROVED THIS _____ DAY OF _____, 200____
 COUNTY SURVEYOR
 MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR
 OTHER CHARGES AS PROVIDED BY ORS
 92.095 HAVE BEEN PAID AS OF _____
 200____

DIRECTOR
 BUREAU OF ASSESSMENT AND TAXATION
 MULTNOMAH COUNTY, OREGON

DEPUTY _____

STATE OF OREGON }
 COUNTY OF MULTNOMAH }

I DO HEREBY CERTIFY THAT THE ATTACHED
 SUBDIVISION PLAT WAS RECEIVED FOR RECORD
 AND RECORDED _____ 200____

AS PARTITION PLAT NO. _____

COUNTY RECORDING OFFICE

DEPUTY _____

DOCUMENT NO. _____