



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: November 17, 2011

To: Interested Person

From: Susan van Staveren, Land Use Services

503-823-5361 / susan.vanstaveren@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 11-167963 LC

GENERAL INFORMATION

Applicant: Bill Wagoner, Pyramid Holdings LLC

9602 SW Taylor St Portland OR 97225

Representative: Ben Altman, SFA Design Group 503-641-8311

9020 SW Washington Sq Drive, #505

Portland OR 97223

Site Address: 3035 NE JARRETT ST

Legal Description: IRVINGTON PK, BLOCK 40, S 10' OF LOT 44, LOT 46&48

Tax Account No.: R421314900 **State ID No.:** R11E13CD 08100

Quarter Section: 2433

Neighborhood: Concordia, contact George Bruender at 503-287-4787.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-

1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at

503-823-4575.

Plan District: None **Zoning:** R5ah

Case Type: LC – Lot Consolidation

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal: The applicant proposes to consolidate a lot remnant and a lot described as:

1. IRVINGTON PK, BLOCK 40, S 10' OF LOT 44

2. IRVINGTON PK. BLOCK 40. LOT 46

This lot consolidation will eliminate the underlying platted lot line between Lot 46 and the adjacent (to the north) Lot 44 remnant.

After this lot consolidation is recorded, the applicant plans to reconfigure the consolidated parcel and the adjacent lot to the south (IRVINGTON PK, BLOCK 40, LOT 48), which is under the same ownership, through a separate pending Property Line Adjustment (11-167969 PR). The Property Line Adjustment would result two lots that are 50' wide x 60' deep.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in **Zoning Code Section 33.675.300, Lot Consolidation Standards**.

ANALYSIS

Site and Vicinity: The subject property is a corner lot with frontage along NE 31st Avenue and NE Jarrett Street. Both of these streets are improved with paved roadways, curbs, planter areas, and sidewalks. An unpaved alley borders the west lot line. The site is developed with a one and a half story house and detached garage. The owner has applied for a demolition permit to remove these structures. There is a large fir tree on the NE corner of the site. The surrounding residential area consists of single dwelling and a few duplex homes primarily between one and two stories.

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

The site also has **Alternative Design Density** (a) and **Aircraft Landing** (h) overlay designations.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

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 with no concerns.

Neighborhood Review: A **Notice of Proposal in Your Neighborhood** was mailed on **September 27, 2011**. Six letters were submitted to the City noting concerns about the proposed demolition and future new development here – particularly neighborhood compatibility, quality, design, scale, and parking.

Staff response: These letters have been forwarded to the applicant to foster direct communication between the property owner and the neighbors. The Lot Consolidation approval criteria do not address future development at this site.

ZONING CODE APPROVAL CRITERIA

33.675.300 Lot Consolidation 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 site is in the R5 zone. Standards 1.a through 1.e are exemptions that are related to the required lot dimensions that are allowed to the standards of Chapters 33.605 through 33.615. Table 610-2 of the Zoning Code list the following lot dimensions for **new** lots R5 zone:

	R5 Zone Requirement	Lot 1 (after consolidation)
Minimum Lot Area (square feet)	3,000	3,500
Maximum Lot Area (square feet)	8,500	
Minimum Lot Width (1)(2) (feet)	40	35**
Minimum Front Lot Line (feet)	30	35**
Minimum Lot Depth (feet)	55	100

- 1. See 33.930.100 Measuring Lot Widths.
- 2. The lot consolidation site is less than the required minimum width for new lots. Therefore, per exemption c above, the lot consolidation site is exempt from the minimum lot width standard of 33.610.

With the exemption as noted in footnote 2 above, the proposed consolidated lot meets the applicable standards of 33.605 – 33.615.

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: This site currently contains two historically platted lots and a lot remnant. The applicant has provided deed information to show that these are legal lots of records. In the current configuration, prior to this Lot Consolidation or any line movement at this site, per Portland Zoning Code Table 110-6, Parcel 1 (Lot 46 plus the southerly 10 feet of Lot 44) could be developed at any time with a new single-dwelling house. Lot 48 could be developed with a new house 5 years from the date the house demolition at this site receives final inspection. Maximum density will not change with this Lot Consolidation and so this standard is met.

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: The lot consolidation will consolidate Lot 46 and the south 10 feet of Lot 44. This lot and lot remnant each have street frontage, so this standard does not apply.

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 are through lots; nor is the proposed consolidated Parcel 1. Therefore, this standard does not apply.

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: This site contains only one zoning designation; therefore the consolidated lot will not have split zoning. Accordingly, this standard does not apply.

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

Findings: No prior land use conditions apply to this site. As such, this criterion does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval standards 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 IRVINGTON PK, BLOCK 40, S 10' OF LOT 44 and LOT 46. 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 applicable standards. Therefore, the request should be approved.

ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel of historic LOT 46 and the lot remnant comprised of the South 10 feet of LOT 44 of IRVINGTON PK, BLOCK 40, as illustrated by Exhibit C.1, signed and dated November 10, 2011.

Staff Planner: Susan van Staveren

Decision rendered by:

By authority of the Director of the Bureau of Development Services

On November 14, 2011

Decision mailed November 17, 2011

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 by February 10, 2012 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 August 17, 2011, and was determined to be complete on **September 21, 2011**.

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 21, 2011.

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 120 days will expire on: January 19, 2012.**

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

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

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

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

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

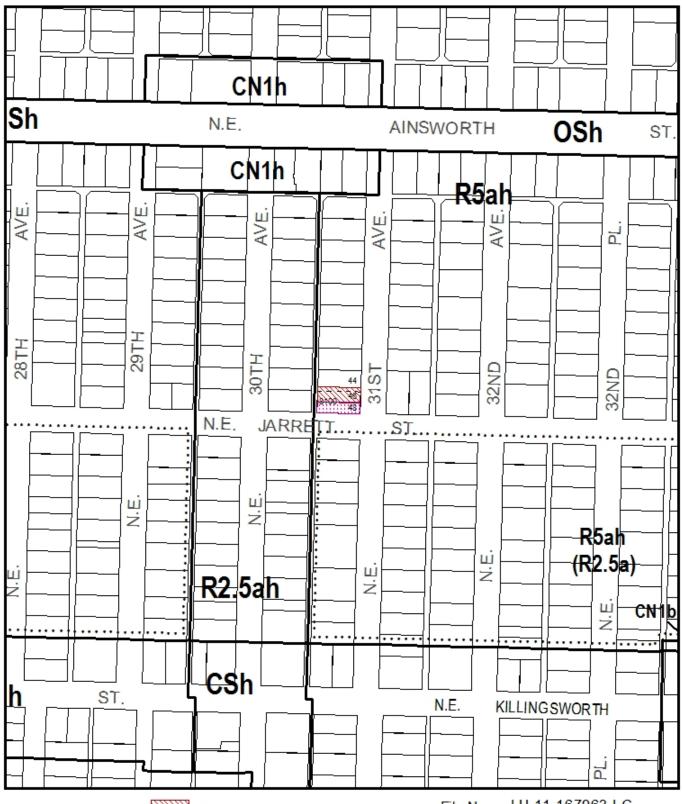
For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Title Reports
 - 3. Legal Descriptions
 - 4. Original Submittal Information
 - 5. Revised Submittal plans submitted September 21, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses
 - 1. Water Bureau
- F. Correspondence and major concerns expressed:
 - 1. David Kirchmeir, rcvd. Oct 6, re: building quality and design.
 - 2. Kathryn Sundermann, revd Oct 11, re: density, tree on lot and notification.
 - 3. Kenneth and Donna Jacobs, rcvd Oct 13, re: neighborhood compatibility, scale, off-street parking.
 - 4. Amy Young, rcvd. Oct, 25, re: impact of development, parking/driveways.
 - 5. George M. Bruender, Land Use Chair/Concordia Neighborhood Association, rcvd. October 24 via email and Oct 25, 2011 via mail, re: concerns about new home design, demolition process, communication with owner, parking/safety.
 - 6. Eric Scholtes and Natasha Risotto, rcvd. October 27, 2011, re: demolition, new home design/compatibility, communication with owner.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant re: incomplete application
 - 4. Emails and other correspondence to/from applicant re: plat corrections

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).

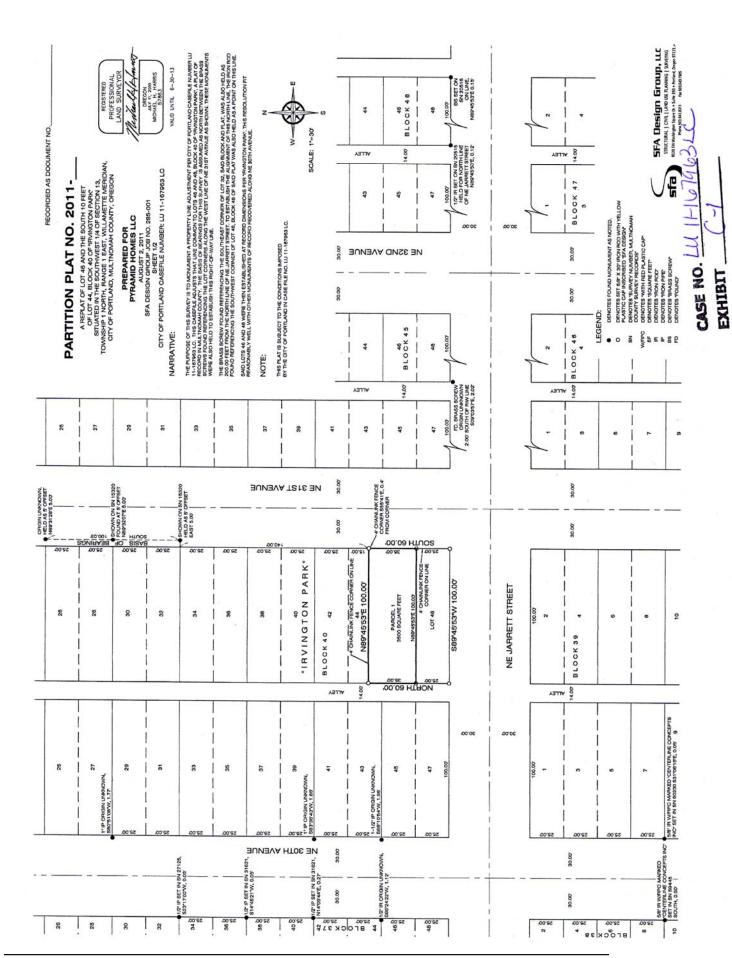


ZONING Ste



NORTH

File No. __LU 11-167963 LC 2433 1/4 Section _ 1 inch = 200 feet Scale_ 1N1E13CD 8100 State_Id . В (Sep 07,2011) Exhibit _



PARTITION PLAT NO. 2011-

RECORDED AS DOCUMENT NO.

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PREPARED FOR
PYTAANID HOMES LLC
AUGUST 2, 2011
SFA DESIGN GROUP, 208 NO. 285-001
GITY OF PORTLAND CASEFILE NUMBER: LU 11-167963 LC

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SURVEYORS CERTIFICATE:

BILL WAGONER, MEMBER

ACKNOWLEDGMENT

SS COUNTY OF MULTNOMAH STATE OF OREGON

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON BILL WAGONER.

COMMISSION NO.

NOTARY PUBLIC - OREGON

COUNTY OF MULTNOMAH

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORDS ON THIS DAY OF SOLATY CLERK RECORDS.

OCLOCK _M, AND RECORDED IN THE COLARTY CLERK RECORDS.

DEPUTY COUNTY CLERK

VALID UNTIL 6-30-13

OREGON JULY 11, 2000 MICHAEL H. HARRIS 5786.3

DAY OF NOTEMBER CITY OF PORTLAND APPROVAL: APPROVED THIS OFFILE

2011

BY: SYDAN YOU SAUKIAN CITY OF PORTLAND, PLANNING DIRECTOR DELEGATE

DAY OF WOVE MBERR, 2011 BY: # OF PORTLAND, CITY ENGINEER DELEGATE 754 APPROVED THIS

MULTNOMAH COUNTY APPROVALS:

APPROVED THIS DAY OF MULTNOMAH COUNTY SURVEYOR

APPROVED THIS DAY OF MULTNOMAH COUNTY BOARD OF COMMISSIONERS

DIRECTOR OF ASSESSMENT AND TAXATION (MULTNOMAH COUNTY ASSESSOR)

DIRECTOR OF ASSESSMENT AND TAXATION EX-OFFICIO COUNTY CLERK

1102

CASE NO. EXHIBIT

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