



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: April 16, 2008
To: Interested Person
From: Thomas Carter, Land Use Services
503-823-4989 / cartert@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 07-175523 LC

GENERAL INFORMATION

Applicant: Zari Santner
City Of Portland Parks
1120 SW 5th Ave Rm. 1302
Portland, OR 97204-1933

Representative: Riley Whitcomb
City of Portland Parks
1120 SW 5th Ave Rm. 1302
Portland, OR 97204-1933

Site Address: None. Site is west of corner of SE Yamhill St. and SE 111th Ave.
Legal Description: INC PT VAC ST LOT 45-47 INC PT VAC ST-W 39' OF LOT 48, HOMESTAKE GARDENS; N 1/2 OF W 53' OF LOT 63 N 1/2 OF E 2' OF LOT 64, HOMESTAKE GARDENS; W 52' OF LOT 64 LOT 65, HOMESTAKE GARDENS; LOT 66, HOMESTAKE GARDENS

Tax Account No.: R400901630, R400902530, R400902550, R400902630
State ID No.: 1S2E03BA 03400, 1S2E03BA 03000, 1S2E03BA 02800, 1S2E03BA 02900

Quarter Section: 3141
Neighborhood: Mill Park, contact Rosemary Opp at 503-256-4591.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Gateway
Other Designations: None
Zoning: OSc, Open Space zone with Environmental Conservation overlay.
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 (Portland Parks) intends to convey land to the site of the Floyd Light School (David Douglas School District) by means of a Property Line Adjustment (file #07-169614 PR). In order to accomplish this land transfer, the applicant proposes to consolidate these originally platted lots and vacated rights-of-way. Another group of lots is being consolidated to the north of this group of lots (file #07-175529 LC). After both Lot Consolidations have been completed, the Property Line Adjustment will be reviewed.

A property line adjustment can only be performed between two lots. Many originally platted lots are involved, which would require multiple property line adjustments. Therefore, by conducting these lot consolidations, the applicant is simplifying the process of moving the boundary between these two groups of lots.

These properties are connected to the site that includes the East Portland Community Center, which is subject to the Conditional Use Review CU 034-86 (file #86-001573 LU). The provisions of the Conditional Use Review still apply to the consolidated lots, and will be considered as part of this Lot Consolidation review.

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 Chapter 33.675, Lot Consolidations.

ANALYSIS

Site and Vicinity: Starting from the abandoned right-of-way of SE Yamhill Street on the north side of the property, the land rises approximately 45 feet in elevation near the property's southern boundary. Most of this slope is covered in trees and is overlain by the Environmental Conservation zone. At the northern foot of the slope is a pump station owned by the Portland Water Bureau. Near the southern property boundary, the property is landscaped in turf. To the west is Floyd Light Middle School and the East Portland Community Center. To the east and south is a neighborhood of predominantly one- and two-story single family houses. There is multi-family and retail sales and service development along SE Stark St. in this area.

The only street bordering the site is SE 111th Avenue, which is a Local Collector, Local Service Bikeway, and City Walkway in the City's Transportation System Plan.

Zoning: The OS zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas.

Land Use History: City records indicate that SE Salmon St. and SE Yamhill St. were vacated in 1996, and a Conditional Use Review (LU 96-00430 CU) approved development of the East Portland Community Center south of the Floyd Light Middle School. A later Conditional Use Review (LU 06-149174 CU AD) approved the development of an Aquatic Center as an expansion of the Community Center.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **November 29, 2007**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 29, 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

33.675 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 proposed site is in the OS zone. There are no minimum lot dimensions in the Open Space zone. Lots need only be of a size, shape, and orientation that is appropriate for uses that are allowed, or are limited or conditional uses, in the Open Space zone. Approval standards 1.a through 1.e are related to required lot dimensions and creation of a consolidated parcel that will either meet the lot dimension standards of the zone or meet the listed exceptions.

Because there are no minimum lot dimensions in the OS zone, the proposed consolidated lot meets the lot dimension standards of the zone. Because the consolidation of the lots does not change the size, shape, or orientation of the land for allowed, limited, or conditioned uses, the lot consolidation also meets the test that the consolidated lot be appropriate for those uses.

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: There are no density standards in the OS zone, so this standard does not apply.

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: There are no density or lot area requirements in the OS zone, 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: The proposed consolidated lot will not be a through lot, 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.

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

Findings: Two previous land use cases imposed conditions on property adjacent to the lot consolidation site.

LUR 96-00430 CU (file #96-013317 LU) was a Conditional Use review that allowed the development of the East Portland Community Center on a lot that is contiguous with the lots proposed for consolidation. The conditions of approval required stormwater, parking, and right-of-way improvements to be made. None of these conditions of approval relate to the consolidation of the underlying platted lots.

LUR 06-149174 CU was a Conditional Use review that allowed the development of an Aquatic Center at the Community Center. None of the conditions specific to this Conditional Use Review apply to the lot consolidation. This Conditional Use continued the conditions of approval from the previous case.

Because there are no condition of approval from previous land use reviews that apply to or are affected by the consolidation of these underlying platted lots, this criterion does not apply.

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 into a single lot 5 originally platted lots and parts of 3 more lots in the subdivision of Homestake Gardens, along with the vacated portion of SE Yamhill Street. City bureaus expressed no concerns about this proposal. The neighborhood association and neighbors likewise expressed no concerns.

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 lot from 5 lots, 3 partial lots, and the vacated portions of SE Yamhill Street within the subdivision of Homestake Gardens, per the approved site plans, Exhibit C-1, signed and dated April 7, 2008.



Decision rendered by: _____ on April 7, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed April 16, 2008

Staff Planner: Thomas Carter

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 November 8, 2007, and was determined to be complete on November 27, 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 November 8, 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 requested that the 120-day review period be extended as needed to provide time up to the extent allowable, as stated with Exhibit F.1.

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 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 decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **April 16, 2008**.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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 503-823-7967.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

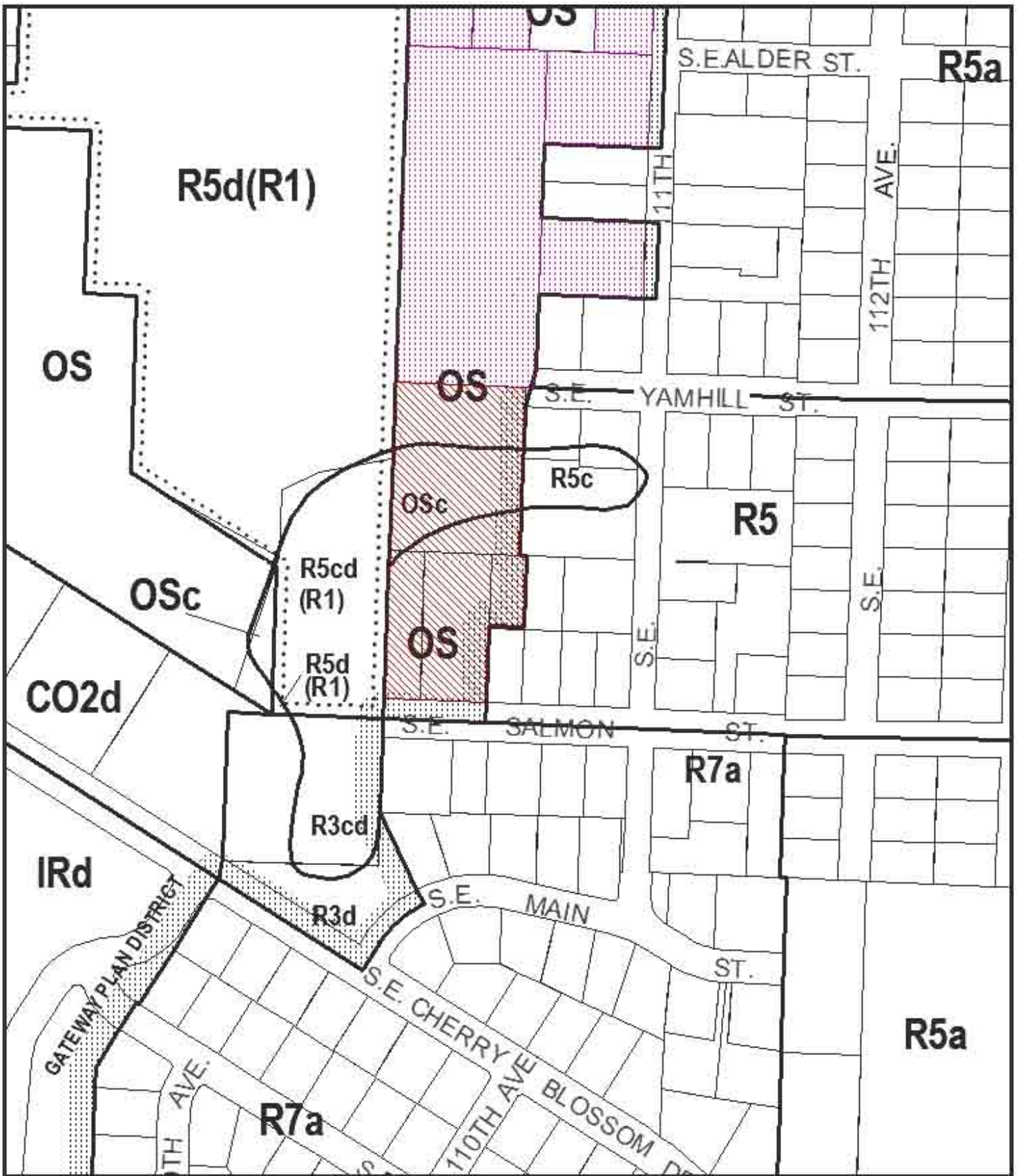
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: Danny Denning, surveyor for applicant, March 3, 2008, request for extension of time for review.
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Plat Map (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
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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
-  Also Owned



File No. LU 07-175523 LC
 1/4 Section 3141
 Scale 1 inch = 200 feet
 State Id 1S2E03BA 3400
 Exhibit B (Nov 20,2007)

DATE FILED _____
REGISTER NUMBER _____

FOUND MONUMENT TABLE:

- (109) - FND 3/8" IR W/IPC "KURAHASHI & ASSOC." PER SN 55273 VERTICAL AND FLUSH HELD
- (110) - FND 3/8" IR NO CAP ORIGIN UNKNOWN, BENT NORTHERLY TIED VERTICAL POSITION, BEARS N01°55'55"E, 177.61' FROM THE SOUTHWEST CORNER OF LOT 43.
- (114) - FND 3/4" IRON PIPE PER SN 45977 FLUSH AND VERTICAL, HELD AS BEARING S64°51'27"E, 0.31' FROM SOUTHWEST CORNER LOT 66 OF "HOMESTAKE GARDENS"
- (115) - FND 1/2" IP PER SN 10932, BENT, NORTHERLY TIED VERTICAL POSITION, BEARS N48°37'05"W, 0.29' FROM SOUTHEAST CORNER LOT 65
- (116) - FND 1/2" IRON PIPE PER G-11/27, BEARS N12°10'14"W, 0.22' FROM PROPERTY CORNER POSITION
- (117) - FND 1/2" IP PER SN 10932 FLUSH AND VERTICAL, BEARS S54°04'20"E, 0.12' FROM PROPERTY CORNER.
- (116) - FND 3/4" IP PER SN 10932 BENT NORTHERLY TIED VERTICAL & BEND BEARS S87°17'07"W, 2.36' FROM THE NORTHEAST CORNER OF LOT 64. NOT HELD
- (119) - FND 1/2" IP PER SN 10932 BENT NORTHERLY TIED VERTICAL & BEND HELD FOR LINE
- (120) - FND 3/8" IR W/IPC "KURAHASHI & ASSOC." PER SN 55273 VERTICAL AND FLUSH HELD FOR LINE 0.09' SOUTH OF CORNER.
- (121) - FND 1/2" IP PER G-11/27, UP 0.10' VERTICAL, BEARS S88°07'36"E, 13.36' FROM MONUMENT 120
- (124) - FND 3/8" IR W/IPC "KURAHASHI & ASSOC." PER SN 55273 VERTICAL AND FLUSH HELD
- (128) - FND 3/4" IP PER SN 50206 VERTICAL DOWN 0.50', BEARS N45°55'18"E, 0.31' FROM THE SOUTHWEST CORNER OF LOT 40 NOT HELD.
- (129) - FND 3/8" IR W/IPC "KURAHASHI & ASSOC." PER SN 55273 VERTICAL AND FLUSH HELD.
- (130) - FND 3/4" IRON PIPE PER SN 44160 BEARS N87°52'12"W, 0.34' HELD

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM SURVEY NUMBER 55273 BOUNDARY SURVEY BY KURAHASHI & ASSOCIATES, FALLING FROM FOUND MONUMENTS SHOWN ON SAID SURVEY WERE HELD TO CALCULATE A LINE THAT WAS HELD AS THE BASIS OF BEARINGS. SAID MONUMENTS WERE FOUND 3/4" IRON PIPES AT THE SOUTHWEST CORNER OF LOT 66 HOMESTAKE GARDENS AND ON THE WEST LINE OF LOT 22 HOMESTAKE GARDENS AS SHOWN ON SAID SURVEY. THIS CALCULATED BEARING BEING N 03°00'33" E BETWEEN THE MONUMENTS.

NARRATIVE:

THIS PURPOSE OF THIS SURVEY IS TO CONSOLIDATE LOTS 45, 47, 55, 56 AND PARTIAL LOTS 48, 63 AND 64 OF THE PLAT OF HOMESTAKE GARDENS AND VACATED PORTION OF S.E. YAMHILL STREET MOKE PARTICULARLY DESCRIBED IN DEED BOOK 1860 PAGE 2740 (WEATED WITH THE CITY OF PORTLAND PARKS AND RECREATION FOR A SUBSEQUENT PROPERTY LINE ADJUSTMENT.

THE BOUNDARY RESOLUTION IS PER SURVEY NUMBER 55273. I HELD ALL DATA AND MONUMENTS FROM SAID SURVEY UNLESS OTHERWISE INDICATED

NOTES

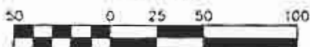
- 1. MEASURED AND RECORD DISTANCES ARE THE SAME UNLESS OTHERWISE NOTED



NORTH



SCALE



1 INCH = 50 FEET

LEGEND:

- SET 3/8" x 30" IRON ROD W/IPC "KURAHASHI & ASSOC."
- FOUND MONUMENT AS NOTED
- IR DENOTES IRON ROD
- IP DENOTES IRON PIPE
- W/IPC DENOTES WITH YELLOW PLASTIC CAP MARKED
- FND DENOTES FOUND
- SN DENOTES SURVEY NUMBER MULTNOMAH COUNTY SURVEY RECORDS
- (FND) DENOTES FOUND MONUMENT SEE MONUMENT TABLE FOR DESCRIPTION

REFERENCES:

- 118 SN 55273
- 120 SN 29747
- 138 SN 32107
- 141 SN 45977
- 150 SN 40160
- 164 SN 50206
- 171 SN 10932
- 185 0-11/27 SURVEY OF PARKS & RECREATION
- 191 PLAT OF HOMESTAKE GARDENS

CASE NO. **07-175523C**
EXHIBIT **C-1**

APPROVALS:

APPROVED April 7, 2008 2008
CITY OF PORTLAND PLANNING DIRECTOR
Thomas K. Carter

APPROVALS:

APPROVED 21st DAY OF MARCH 2008
CITY OF PORTLAND ENGINEER DELEGATE
BY *Christie M. Madaly*

REGISTERED PROFESSIONAL LAND SURVEYOR

Nancy M. Deakin
JULY 20, 2001
DANNY M. DENNING
58640
EXPIRES 12/31/09

14 SECTION NW 1/4 SEC 3
TOWNSHIP/RANGE T15/R22
TAX LOT NO. NO
FILE 30151 S CONS D/WO
kpti Consulting Engineers
1100 NE Oregon Ave. 200 Portland, OR 97232-2000
503-251-8887 Cell No. 503-251-8887
www.kpticonsulting.com

'HOMESTAKE GARDENS' LOT CONSOLIDATION TRACT II
PORTLAND PARKS AND RECREATION
CITY OF PORTLAND/ COUNTY OF MULTNOMAH/ STATE OF OREGON

DATE: 07/27/09
SCALE: 1"=50'
CONTOUR INTERVAL: N/A
PROJECT NO: 30705
SHEET: 1 OF 1