



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: February 14, 2015
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-7618 / shawn.burgett@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision. The Bureau of Development Services has approved a proposal in your neighborhood.

CASE FILE NUMBER: LU 14-135645 LC

GENERAL INFORMATION

Applicant: Jay Higgins / Trimet
1800 SW 1st Ave, #300 / Portland, OR 97201

Owner: Tri-County Metropolitan
4012 NE Holladay St/ Portland, OR 97232-2168

Site Address: 1305 SE GIDEON ST

Legal Description: BLOCK 3 LOTS 4-6, TIBBETTS HMSTD
Tax Account No.: R834600230, R834600250, R834600270
State ID No.: 1S1E11BA 07700, 1S1E11BA 07800, 1S1E11BA 07900
Quarter Section: 3331
Neighborhood: Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.
Business District: Greater Brooklyn, contact David Weislogel at 503-872-9320.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010

Zoning: EG1 (General Employment 1)
Case Type: LC (Lot Consolidation)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to consolidate historic block 3 (lots 4-6) of Tibbett's Homestead into one parcel. The lot consolidation is in preparation for a future property line adjustment with the abutting Block 3, lot 3 of Tibbett's Homestead under the same ownership. The property line adjustment will result in an additional developable lot. The property line adjustment is not part of this 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:

- Zoning Code Section 33.675.300, Lot Consolidation Standards.

ANALYSIS

Site and Vicinity: The site is vacant. The properties directly adjacent to the subject site are all industrial and employment based type uses.

Zoning: The EG1 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial and industrially-related uses. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street.

Land Use History: City records indicate that the applicant has applied for a property line adjustment under 14-167056 PR in association with Lot 3, Block 3 of Tibbett's Homestead. The property line adjustment proposed cannot be approved until the lot consolidation is recorded. In addition LU_14-167065 AD was approved on September 25, 2014. This land use decision approved reduced lot size dimension standards in the EG1 zone associated with property line adjustment under review.

Agency Review The Service Bureaus have responded with no issues or concerns about the proposal (exhibits E).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 13, 2014**. No written response has been received from a 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 Ix 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. The requested lot consolidation review is being reviewed under the Type Ix 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. EG1 zone. All lots in the EG1 zone must meet Standard B stated in Table 614-1 (see below).

Findings: The proposed site is in the EG1 zone. Approval standard is related to the 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. The proposed consolidated lot meets the lot dimension standards of the EG1 zone. The site meets the minimum lot area, lot width, minimum depth and front lot line requirements of the EG1 zone.

	EG1 Zone (Table 614-1, standard B)	Parcel 1 (after consolidation)
Minimum Lot Area	10,000 square feet	14,990 square feet
Minimum Lot Width*	75 feet	100 feet
Minimum Front Lot Line	35 feet	100 feet
Minimum Lot Depth*	75 feet	150 feet

* Lot widths and depths are measured from the midpoints of opposite lot lines.

As noted herein, the proposed consolidated lot meets standard A.

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 EG1 zone does not have density standards; therefore 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: All the lots within this lot consolidation site have street frontage, therefore 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 lots in the lot consolidation site are through lots, 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. This standard does not apply.

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 case conditions for this site, therefore this standard 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 historic block 3 (lots 4-6) of Tibbett's Homestead 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 out of historic block 3 (lots 4-6) of Tibbett's Homestead, as illustrated by Exhibit C.1, signed and dated February 10, 2015

Staff Planner: Shawn Burgett

Decision rendered by:  **on February 10, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed February 14, 2015

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 (5/11/15) OR THIS DECISION WILL BECOME NULL AND VOID.**

Procedural Information. The application for this land use review was submitted on **April 4, 2014**, and was determined to be complete on **May 2, 2014**.

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 April 4, 2014.

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 (exhibit A-3).

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.

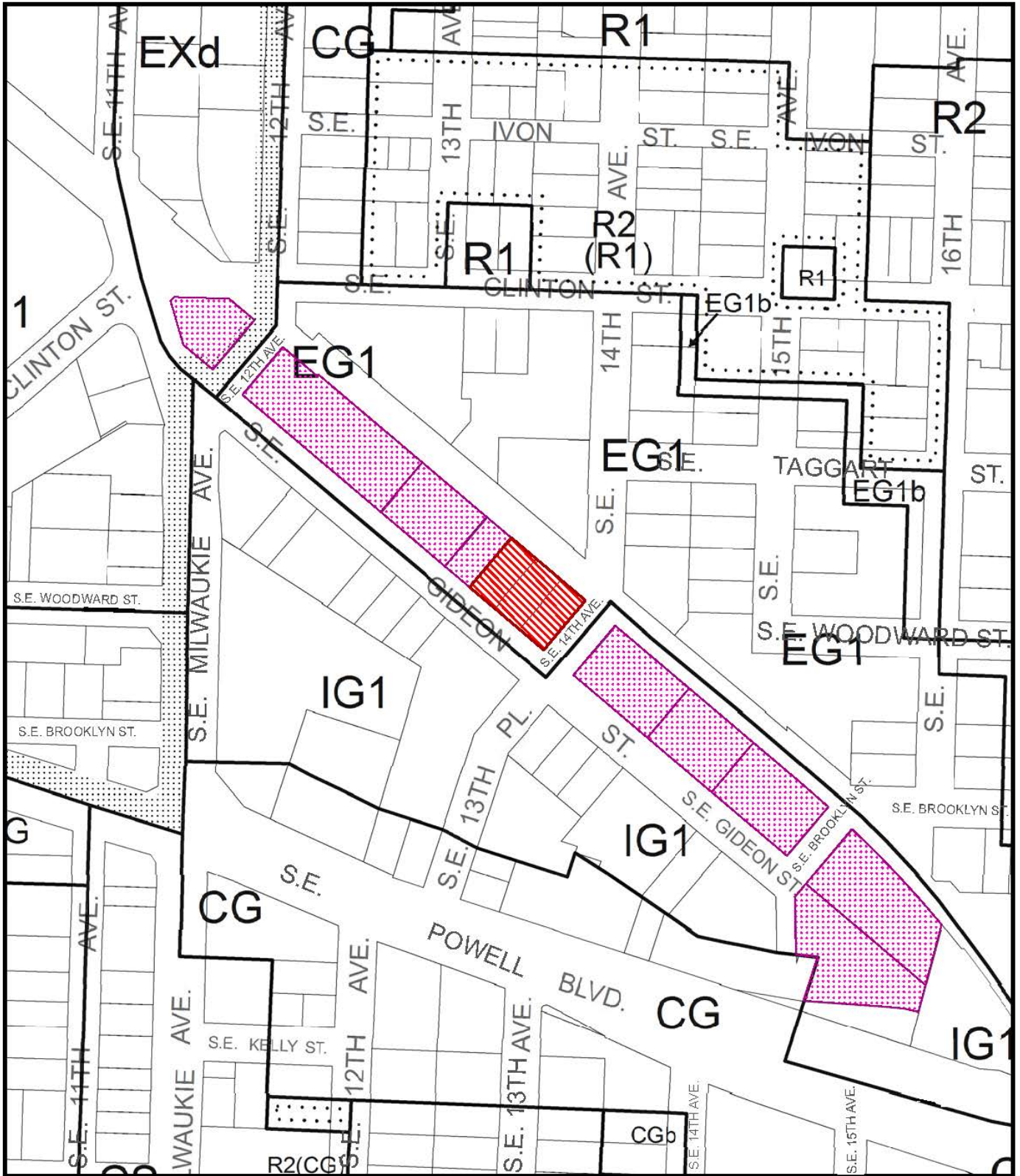
This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Legal Description
 - 3. Extension to 120 day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
 - 2. Copy of existing recorded plat (prior to Lot Consolidation)
- 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
 - 7. Life Safety
 - 8. Auditor
- F. Correspondence:
- G. Other:
 - 1. Original LU application
 - 2. Land Use History



ZONING

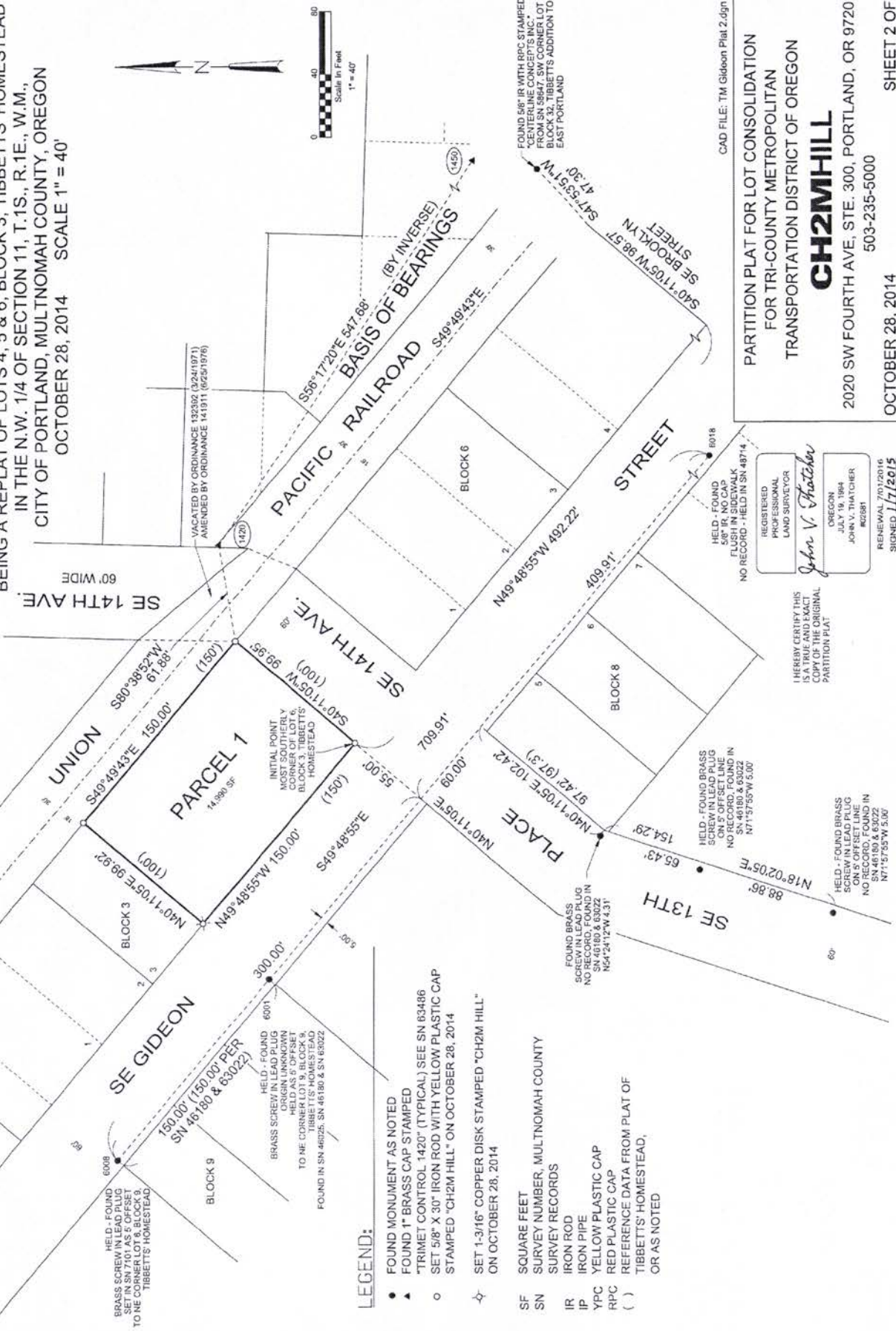
-  Site
-  Also Owned



File No. LU 14-135645 LC
 1/4 Section 3331
 Scale 1 inch = 200 feet
 State_Id 1S1E11BA 7800
 Exhibit B (Apr 08,2014)

PARTITION PLAT NO.

A LOT CONSOLIDATION,
BEING A REPLAT OF LOTS 4, 5 & 6, BLOCK 3, TIBBETTS' HOMESTEAD
IN THE N.W. 1/4 OF SECTION 11, T.1S., R.1E., W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
OCTOBER 28, 2014 SCALE 1" = 40'



LEGEND:

- FOUND MONUMENT AS NOTED
- ▲ FOUND 1" BRASS CAP STAMPED
- TRIMET CONTROL 1420" (TYPICAL) SEE SN 63486
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CH2M HILL" ON OCTOBER 28, 2014
- ☆ SET 1-3/16" COPPER DISK STAMPED "CH2M HILL" ON OCTOBER 28, 2014
- SF SQUARE FEET
- SN SURVEY NUMBER, MULTNOMAH COUNTY
- IR IRON ROD
- IP IRON PIPE
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- () REFERENCE DATA FROM PLAT OF TIBBETTS' HOMESTEAD, OR AS NOTED

CAD FILE: TM Gideon Plat 2.dgn

PARTITION PLAT FOR LOT CONSOLIDATION
FOR TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON

CH2MHILL

2020 SW FOURTH AVE, STE. 300, PORTLAND, OR 97201
503-235-5000

SHEET 2 OF 2

REGISTERED PROFESSIONAL LAND SURVEYOR
John V. Thatcher
OREGON
JULY 19, 1984
JOHN V. THATCHER
#2381

I HEREBY CERTIFY THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PARTITION PLAT

RENEWAL 7/31/2016
SIGNED 11/17/2015

CASE NO. 14-135645 LC
EXHIBIT C-1 Page 1

PARTITION PLAT NO. _____

A LOT CONSOLIDATION,
BEING A REPLAT OF LOTS 4, 5 & 6, BLOCK 3, TIBBETTS' HOMESTEAD
IN THE N.W. 1/4 OF SECTION 11, T.1S., R.1E., W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
OCTOBER 28, 2014 SCALE 1" = 40'

MARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO CONSOLIDATE THOSE TRANSPORTATION DISTRICT OF OREGON (TRIMET) BY WARRANT DEEDS RECORDED IN DOCUMENT NO. 2012-088530 AND DOCUMENT NO. 2012-167653, DEED RECORDS OF MULTNOMAH COUNTY, INTO A ONE-PARCEL PARTITION PLAT FOR DEVELOPMENT SERVICES IN CASE FILE LU 14-138645 LC.

THE BASIS OF BEARINGS IS THE LINE BETWEEN TRIMET PRIMARY CONTROL POINTS 1420 AND 1450, WHICH LINE BEARS S 89° 58' 00" W 100.00 FEET TO THE POINT OF BEGINNING. THIS DATUM IS BEING USED FOR TRIMET'S PORTLAND TO MILWAUKEE LIGHT RAIL EXTENSION PROJECT. PROJECT PRIMARY CONTROL POINTS ARE THE TRIMET-RELATED PROJECTS BETWEEN PORTLAND AND MILWAUKEE. TRIMET PRIMARY CONTROL STATE PLANE COORDINATES WERE REDUCED TO A LOCAL DATUM PLANE SCALE FACTOR OF 1.998685. BEARINGS ARE GRID DISTANCES ARE GROUND, AND UNITS ARE INTERNATIONAL FEET.

BOUNDARY RESOLUTION:

SE GIBSON STREET: I HELD THE LINE BETWEEN FOUND POINTS 6008 AND 6018 AS A 5.00 FOOT OFFSET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE. I HELD PARALLEL AND 35.00 FEET NORTHEASTERLY FOR THE NORTHEASTERLY RIGHT-OF-WAY LINE.

SE 14TH AVENUE: THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SE 14TH AVENUE IS THE SOUTHEASTERLY LINE OF BLOCK 3. SE GIBSON STREET PASSING THROUGH A POINT 300.00 FEET S 48° 49' 55" E FROM FOUND POINT 6008. THIS RESOLUTION GIVES A GOOD FIT FOR FOUND POINT 6001 AND VERY GOOD PLAT DIMENSIONS FOR BLOCKS 3, 6 AND 7, TIBBETTS' HOMESTEAD.

BLOCK 3, TIBBETTS' HOMESTEAD: I HELD THE PLATTED LOT AND STREET WIDTHS PRECEDING NORTHWESTERLY FROM SE 14TH AVENUE. THE PLATTED WIDTH OF SE 14TH AVENUE IS 50 FEET, AND THE PLATTED LOT WIDTHS ARE 50 FEET.

MILWAUKEE LIGHT RAIL PROJECT: I MET WITH TRIMET'S EAST SIDE CONTRACT SURVEYOR FROM OTAK TO DISCUSS THE RAILROAD RESOLUTION. THE RAILROAD CENTERLINE WAS RESOLVED TO BE THE CENTERLINE OF THE MAIN TRACK. THE SAID RIGHT-OF-WAY LINE IS THE CENTERLINE OF THE MAIN TRACK. THE PLAT AND THE EXISTING BARRIAGE VERY WELL. I AM USING THE RAILROAD RESOLUTION BY OTAK FOR THIS PLAT. ALSO, LIGHT RAIL RIGHT-OF-WAY ACQUISITIONS IN THIS AREA WERE WRITTEN USING THIS RESOLUTION.

DECLARATION:

I KNOW ALL PEOPLE BY THESE PRESENTS THAT TO COMPLY WITH METROPOLITAN TRANSPORTATION DISTRICT OF OREGON, THE OWNER OF THE LAND PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE, HAVE CORRECTLY DECLARED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES.

TRICOUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON
BY JILLIAN DETWEILER, DIRECTOR OF REAL ESTATE

ACKNOWLEDGMENT:

STATE OF OREGON } SS
COUNTY OF MULTNOMAH }

I, JOHN V. THATCHER, HEREBY CERTIFY THAT I HAVE CORRECTLY REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 11, T.1S., R.1E., W.M., MULTNOMAH COUNTY, OREGON, THE SAID TRACT BEING LOTS 4, 5 AND 6, BLOCK 3, TIBBETTS' HOMESTEAD, THE SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE INITIAL POINT, SAID POINT BEING A SET 56-INCH BY 30-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CH2M HILL" MARKING THE MOST SOUTHERLY CORNER OF LOT 6, BLOCK 3, TIBBETTS' HOMESTEAD, SAID POINT BEARS S47°53'51"W 47.30 FEET, S40°11'05"W 46.53 FEET, S47°53'51"W 47.30 FEET, S40°11'05"W 46.53 FEET, WITH THE SAID PLASTIC CAP STAMPED "CENTERLINE CONCEPTS INC." MARKING THE SOUTHWEST CORNER OF LOT 8, BLOCK 3, TIBBETTS' ADDITION TO EAST BLOCK 3; 150.00 FEET TO A SET 3/8 INCH IRON ROD STAMPED "CH2M HILL" MARKING THE MOST SOUTHWESTERLY LINE OF SAID BLOCK 3; 150.00 FEET TO A SET 3/8 INCH IRON ROD STAMPED "CH2M HILL" MARKING THE MOST SOUTHWESTERLY LINE OF SAID LOT 4, 89.32 FEET TO A SET 5/8 INCH BY 30-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CH2M HILL" MARKING THE MOST NORTHERLY CORNER OF SAID LOT 4, 89.32 FEET TO A SET 5/8 INCH BY 30-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CH2M HILL" MARKING THE MOST NORTHERLY CORNER OF SAID LOT 5, 150.00 FEET TO A SET 5/8 INCH BY 30-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CH2M HILL" MARKING THE MOST EASTERLY CORNER OF SAID LOT 6, BLOCK 3; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY LINE, S40°11'05"W 46.53 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 6, 89.32 FEET TO THE INITIAL POINT.

Notary Signature _____

NOTARY PUBLIC - OREGON _____

COMMISSION No. _____

MY COMMISSION EXPIRES _____

NOTES:

- 1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NO. LU-14-138645 LC.
- 2. THIS PLAT IS SUBJECT TO THE CONDITIONS AND RESTRICTIONS CONTAINED IN ORDINANCE NO. 195292, RECORDED JANUARY 22, 1987 IN BOOK 1974, PAGE 1814, DEED RECORDS OF MULTNOMAH COUNTY.

CITY OF PORTLAND APPROVALS:

CITY OF PORTLAND BUREAU OF DEVELOPMENT SERVICES CASE FILE NO. LU 14-138645 LC

APPROVED THIS 10th DAY OF February, 2015

BY DELEGATE Shel Bugej (EG)

APPROVED THIS 5th DAY OF February, 2015

BY [Signature] CITY OF PORTLAND, CITY ENGINEERS DELEGATE

APPROVED THIS _____ DAY OF _____, 201_____

COUNTY SURVEYOR, MULTNOMAH COUNTY, OREGON

BY _____

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.0065 HAVE BEEN PAID TO THE COUNTY CLERK'S OFFICE.

DIVISION OF ASSESSMENT & TAXATION, MULTNOMAH COUNTY, OREGON.

BY _____ DEPUTY

STATE OF OREGON } SS

COUNTY OF MULTNOMAH }

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED

AS PARTITION PLAT NO. _____, 201_____ AT _____ M.

COUNTY RECORDING OFFICE

BY _____ DEPUTY

DOCUMENT NO. _____

I HEREBY CERTIFY THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PARTITION PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR
John V. Thatcher
OREGON
JULY 19, 1998
JOHN V. THATCHER
#02681

RENEWAL 3/01/2015
SIGNED Lizze

CAD FILE: TM Gibson Plat 2.dgn

PARTITION PLAT FOR LOT CONSOLIDATION
FOR TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON

CH2MHILL

2020 SW FOURTH AVE, STE. 300, PORTLAND, OR 97201
503-235-5000

OCTOBER 28, 2014

SHEET 1 OF 2

Exhibit C-1 (Page 2)