



City of Portland, Oregon
Bureau of Development Services
Inspection Services - Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: August 5, 2015
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@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.

CASE FILE NUMBER: LU 14-116535 LC

GENERAL INFORMATION

Applicant/Owner: Rikki and Laure Patrick
8323 SW 47th Avenue / Portland, OR 97219-3434

Site Address: 8323 SW 47th Avenue

Legal Description: BLOCK 11 LOT 14-19 TL 5600, PORTLAND PK ADD
Tax Account No.: R669401740
State ID No.: 1S1E19DD 05600
Quarter Section: 3824
Neighborhood: Multnomah, contact James Peterson at 503-246-0725.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None
Other Designations: Potential Landslide Hazard
Zoning: Residential 7,000 (R7)
Case Type: Lot Consolidation (LC)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to consolidate historic Lots 14, excepting the North 14 feet thereof, and Lots 15 and 16, and the East 25 feet of Lots 17, 18, and 19, excepting the North 14 feet of the East 25 feet of Lot 19, Block 11, Portland Park Addition into one parcel. The lot consolidation is in preparation for a future property line adjustment (14-226050 PLA) with the abutting portion of the north half of vacated Carson Street. 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 criteria are found in Section **33.675.300, Lot Consolidation Standards**.

ANALYSIS

Site and Vicinity: The site is located on the west side of SW 47th Avenue at the intersection with SW Carson Street. Existing development consists of a single family dwelling. The surrounding vicinity is primarily composed of single family homes of a similar zoning designation.

Zoning: The R7 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.

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

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on February 27, 2015.

1. **Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.
2. **Neighborhood Review:** Two written responses were received from notified property owners in the vicinity of this proposal. Concerns expressed in the correspondences include tree removal, stormwater management, construction impacts, density, and transportation impacts. While not relevant to approval standards for a lot consolidation, some, if not all of these concerns may be addressed at the time of development.

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 proposed site is in the R7 zone. Approval standards 1.a through 1.e are 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 R7 zone as shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	R7 Zone Requirement	Lot 1 (after consolidation)
Minimum Lot Area	4,200 square feet	7,015 square feet
Maximum Lot Area	12,000 square feet	
Minimum Lot Width*	40 feet	61 feet
Minimum Front Lot Line	30 feet	61 feet
Minimum Lot Depth	55 feet	115 feet

* Width is measured at the minimum front building setback line

As noted herein, the proposed consolidated lot meets the standards of 1.a through 1.e.

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 $(7,015/7,000) = 1.00 = 1$ unit. The site is developed with one single-family dwelling. Therefore the maximum density will not be exceeded by consolidating the historic lots that currently make up this site.

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: Some of the lots in the lot consolidation site do not have street frontage. However, the minimum density and maximum lot area requirements are still met. This standard is met.

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 existing lots within the lot consolidation site are not through lots and proposed consolidated Lot 1 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. 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 cases 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.

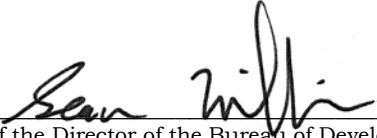
CONCLUSIONS

The applicant proposes to consolidate historic Lots 14, excepting the North 14 feet thereof, and Lots 15 and 16, and the East 25 feet of Lots 17, 18, and 19, excepting the North 14 feet of the East 25 feet of Lot 19, Block 11, Portland Park Addition 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 of historic 14, excepting the North 14 feet thereof, and Lots 15 and 16, and the East 25 feet of Lots 17, 18, and 19, excepting the North 14 feet of the East 25 feet of Lot 19, Block 11, Portland Park Addition into one parcel, as illustrated by Exhibit C.1, signed and dated July 31, 2015.

Staff Planner: Sean Williams

Decision rendered by:  on July 31, 2015
By authority of the Director of the Bureau of Development Services

Decision mailed: August 5, 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 (November 3, 2015), 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 February 13, 2014, and was determined to be complete on **August 8, 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 February 13, 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 requested that the 120-day review period be extended, as stated with Exhibit. Unless further extended by the applicant, **the 120 days will expire on: August 8, 2015**.

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.

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.

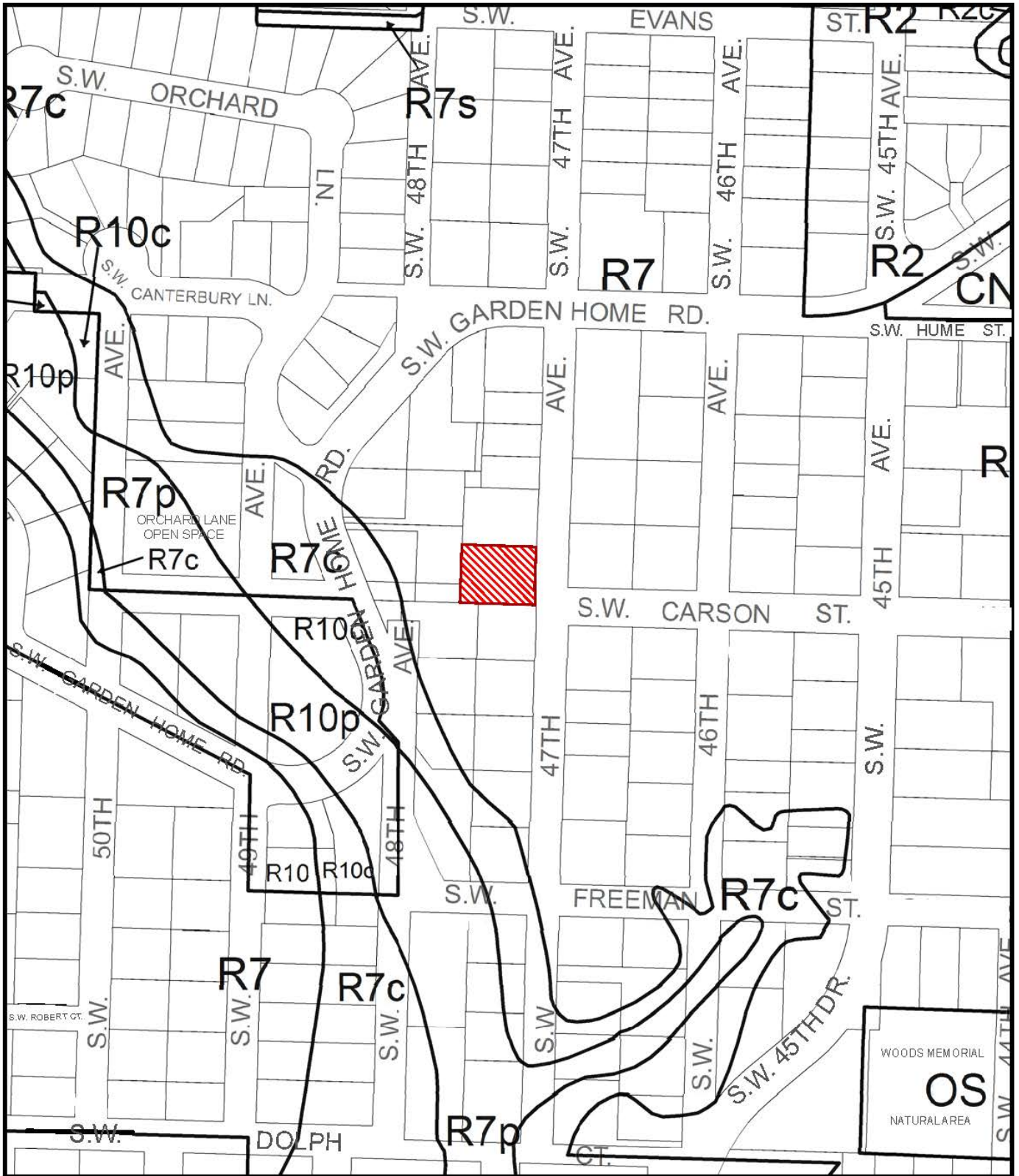
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Request for extension of 120-day review period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
 - 2. Supplemental Partition Plat
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau

3. Site Development Review Section of BDS; Bureau of Transportation Engineering and Development Review
- F. Correspondence:
1. Josh Munk (3/11/15)
 2. Numerous parties (3/30/15)
- G. Other:
1. Incomplete letter
 2. Original LU Application

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



Site



NORTH

File No. LU 14-116535 LC
 1/4 Section 3824
 Scale 1 inch = 200 feet
 State_Id 1S1E19DD 5600
 Exhibit B (Feb 19, 2014)

LEGEND

- = FOUND MONUMENT AS SHOWN
- = SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP
- STAMPED "CHASE JONES & ASSOCIATES"
- FD = FOUND
- IP = IRON PIPE
- IR = IRON ROD
- YPC = YELLOW PLASTIC CAP
- SO FT = SQUARE FEET
- SN = SURVEY NUMBER, MULTINOMAH COUNTY SURVEY RECORDS



19 20

FD 4" BRASS DISK IN MONUMENT BOX AT CORNER OF SECTION 19 BEARING TRUE BK 14, PG 381

PARTITION PLAT NO.

A REPLAT OF LOTS 15, & 16 AND A PORTION OF LOTS 14, 17, 18 AND 19, BLOCK 11, "PORTLAND PARK ADDITION"

SITUATED IN THE S.E. 1/4 OF SECTION 19, T. 1 S., R. 1 E., W.M., CITY OF PORTLAND, COUNTY OF MULTINOMAH, STATE OF OREGON

SURVEYED: JULY 22, 2015
 JOB NO.: 13516
 SCALE: 1" = 30'
 1/4" NO: 3824

BY: CHASE, JONES & ASSOCIATES, INC.
 716 S.E. 11TH AVENUE
 PORTLAND, OREGON
 PHONE: 503-228-9844

DECLARATION:
 KNOW ALL PERSONS BY THESE PRESENTS, THAT RIKKI PATRICK AND LAURE PATRICK ARE THE OWNERS OF THE LANDS REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND DO HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION PLAT OF SAID PROPERTY, AND HAS CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF THE OREGON REPLEAT ACT, AND THE SAID MAPS ARE SHOWN ON THE ANNEXED MAP WITH RESTRICTIONS, AS SHOWN OR NOTED.

Rikki Patrick
 RIKKI PATRICK
Laure Patrick
 LAURE PATRICK

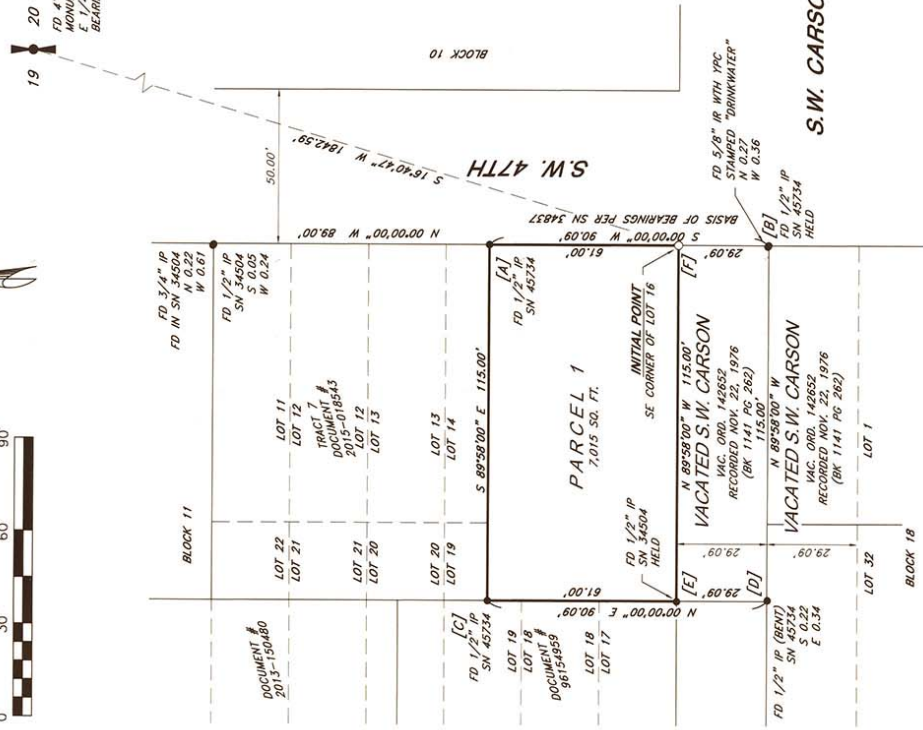
ACKNOWLEDGEMENT:

STATE OF OREGON } s.s.
 COUNTY OF MULTINOMAH }
 THIS DAY OF JULY, 2015 BEFORE ME, ERIC D. JONES, A NOTARY PUBLIC, LAURE PATRICK AND RIKKI PATRICK, WHO DO SAID PARTIES ARE THE IDENTICAL PERSONS NAMED IN THE FOREGOING INSTRUMENT AND THAT THEIR SIGNATURE WAS A-FREE ACT AND DEED BY THEM.

Eric D. Jones
 NOTARY SIGNATURE
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 935089

MY COMMISSION EXPIRES January 4, 2019

S.W. CARSON



NARRATIVE:

1. THE PURPOSE OF THE SURVEY IS TO PARTITION THE PROPERTY DESCRIBED AS TRACT 8 IN DOCUMENT #2015-018543 INTO ONE PARCEL AS SHOWN, FOR THE PURPOSE OF A LOT CONSOLIDATION.
2. I HELD POINTS [A] TO [B] AS A BASIS OF BEARINGS PER SN 34837.
3. FROM [A] I HELD THE MEASURED ANGLE OF 89°58'00" TO [B]. THE FOUND IRON PIPE AT [C]. THE DISTANCE BEING 115.00 FEET.
4. FROM [B] I HELD PARALLEL WITH LINE [A] - [C] PER SN 45734 AND 115.00 FEET WESTERLY TO [D].
5. I HELD PARALLEL WITH AND 28.09 FEET NORTH OF LINE [B] - [D], PER SN 34837 TO ESTABLISH LINE [C] - [E].

REGISTERED PROFESSIONAL LAND SURVEYOR
Eric D. Jones
 OREGON
 JULY 16, 1982
 ERIC D. JONES
 1996
 EXPIRES: 6-30-17

APPROVALS:
 APPROVED THIS 31 DAY OF July, 2015
 BY: *[Signature]*
 CITY OF PORTLAND PLANNING DIRECTOR

APPROVED THIS 30 DAY OF July, 2015
 BY: *[Signature]*
 CITY OF PORTLAND - CITY ENGINEER'S DELEGATE

APPROVED THIS ___ DAY OF ___, 2015
 COUNTY SURVEYOR
 MULTINOMAH COUNTY, OREGON

BY: _____
 ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID AS OF THIS ___ DAY OF ___, 2015

DIRECTOR, DIVISION OF ASSESSMENT & TAXATION
 MULTINOMAH COUNTY, OREGON

BY: _____ DEPUTY
 STATE OF OREGON } s.s.
 COUNTY OF MULTINOMAH }

I HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED THIS ___ DAY OF ___, 2015 AT ___ M., AS PARTITION PLAT NO. _____
 COUNTY RECORDING OFFICE

BY: _____
 DOCUMENT NO. _____

- NOTES:**
1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE NO. L.U. 14-116535 LC.
 2. ALL FALLINGS ARE CARDINAL.