



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

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: March 29, 2017
To: Interested Person
From: JP McNeil, Land Use Services
503-823-5398 / Jason.McNeil@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 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 16-288729 LC

GENERAL INFORMATION

Applicant: Steve Buckles / Reppeto & Associates
12730 SE Stark St
Portland, OR 97233

Representative: David Hassin
9330 Fairhaven Llc
4303 N Albina Ave
Portland, OR 97217

Site Address: 9330 N FAIRHAVEN AVE

Legal Description: BLOCK J LOT 1-3, EAST ST JOHNS
Tax Account No.: R227414770
State ID No.: 1N1E06CD 09400
Quarter Section: 2023

Neighborhood: St. Johns, contact Rachel Hill at hill.rachel@gmail.com
Business District: St. Johns Business Boosters, contact Mike Johnson at 503-206-8633.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: None
Zoning: R5 – Residential 5,000

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 Lots 1 and 2 of Block J, East St. Johns Plat, into one parcel. The result will be the consolidation of two 2,500 square foot lots into one 5,000 square foot lot. This Lot Consolidation is a necessary step to complete a proposed

Property Line Adjustment (PLA) with Lot 3, the property to the east of this site (See case file PR 16-264408 LC/PLA). The PLA will be reviewed separately from this Lot Consolidation.

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: This 5,000 square foot site is relatively flat and is presently occupied by one single dwelling unit. The tax lot (R151619) for this site includes three historic lots, platted as Lots 1-3, Block J of the East St. Johns Plat. This application is to consolidate Lots 1 and 2. A small portion of the existing house is located on Lot 3. That situation will be remedied by the proposed Property Line Adjustment (PR 16-264408 LC/PLA), which will pivot the property line between Lots 2 and 3, leaving the existing house on one lot.

The surrounding vicinity is generally comprised of one- and two-story single family homes, with a Neighborhood Commercial zoned area a block to the north along N Fessenden Street. The lot is situated at the corner of N Fairhaven Avenue and N Seneca Street. N Fairhaven is a 24-foot wide paved roadway with curbs and sidewalks. N Seneca is an unimproved gravel roadway.

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.

Land Use History: City records indicate there is one prior land use review for this site which has bearing on this case:

- **PR 16-264408 PLA LC:** Application for a Lot Confirmation with a Property Line Adjustment that is still pending. This Lot Consolidation is a necessary step to approval of this application.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on January 31, 2017.

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:** 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 proposed site is in the R5 zone. Approval standard exceptions 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 R5 zone as shown in the following table (this information is found in Table 610-2 of the Zoning Code):

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

* Width is measured at the minimum front building setback line

Minimum and maximum density standards will be met at the time of development.

As noted herein, the proposed consolidated lot meets the applicable standards of Chapters 33.605 through 33.615 or the exceptions noted above. The proposed consolidated lot meets the standards of A.1.

- 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 $(5,000/5,000) = 1 = 1$ 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: Both lots in the 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: The existing lots within the lot consolidation site are not through lots and proposed consolidated Parcel 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 approvals 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.

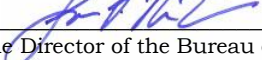
CONCLUSIONS

The applicant proposes to consolidate historic Lots 1 & 2 of Block J, East St. Johns Plat, 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 Lots 1 & 2 of Block J, East St. Johns Plat, as illustrated by Exhibit C.1, signed and dated March 21, 2017.

Decision rendered by:  **on March 21, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed March 29, 2017

Staff Planner: Jason P. McNeil

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 (JUNE 22, 2017) 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 December 20, 2016, and was determined to be complete on January 26, 2017.

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 January 26, 2017.

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 did not waive or extend the 120-day review period.

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.

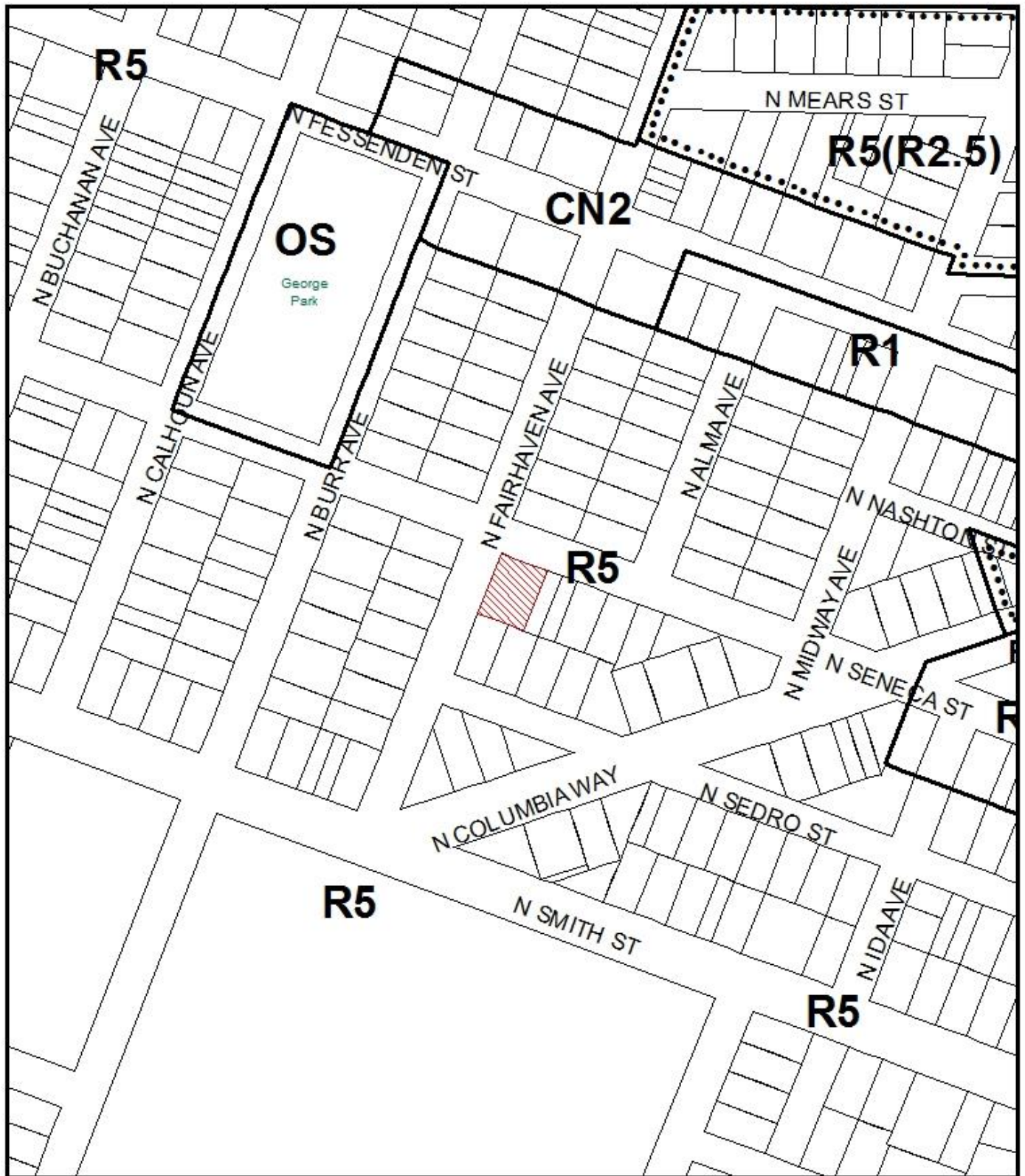
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

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
- F. Correspondence: None
- G. Other:
 - 1. Original LU application
 - 2. Incomplete letter

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



File No.	<u>LU 16-288729 LC</u>
1/4 Section	<u>2023</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E06CD 9400</u>
Exhibit	<u>B</u> (Dec 28, 2016)

PARTITION PLAT NO. _____

A REPLAT OF LOTS 1 AND 2, BLOCK J, EAST ST. JOHNS,
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY
OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: MARCH 7, 2017
FOR: 9330 FAIRHAVEN LLC
SCALE: 1"=20'



LEGEND
 O = 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED REPPETO & ASSOC., INC. SET FEBRUARY 28, 2017.
 ● = IRON PIPE FOUND AS NOTED.
 IR = IRON PIPE
 CIL = CYCLOCONE FENCE
 DN = DOCUMENT NUMBER, MCDR
 FNC = FENCE BY
 M = MEASURED
 MCDR = MULTNOMAH COUNTY DEED RECORDS
 OPL = ON PROPERTY LINE
 DL = PLAIN DENOTED
 R1 = SN 57840
 R2 = SN 5712
 SF = SQUARE FEET
 SN = SURVEY NUMBER PER MULTNOMAH COUNTY SURVEY RECORDS
 () = RECORD INFORMATION

I certify that this survey is a true and exact copy of the original plat.

REGISTERED PROFESSIONAL LAND SURVEYOR
Repetto & Associates, Inc.
 OREGON
 JULY 17, 1886
 SHERIFF 22310865
 REISSUE: 12/31/17

I certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed and registered Professional Land Surveyor in the State of Oregon, and that I am duly qualified to perform the services herein provided for.

REPPETO & ASSOCIATES, INC.
 LAND SURVEYORS
 Plaza 125, Building G
 12730 SE Stark Street
 Portland, Oregon 97233
 Phone: (503) 408-1507
 Fax: (503) 408-2370

DATE: MARCH 7, 2017
 DRAWN BY: SPJ/RL
 FILE: T16098-R05.DWG
 JOB NO. T16098

NOTES
 1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NUMBER LU 16-288729 LC.

SHEET 1 OF 2

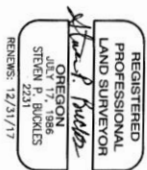
PARTITION PLAT NO. _____

A REPLAT OF LOTS 1 AND 2, BLOCK J, EAST ST. JOHNS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 DATE: MARCH 7, 2017
 FOR: 9330 FAIRHAVEN LLC

SURVEYOR'S CERTIFICATE

I, STEVEN P. BLOCKS, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, BEING LOTS 1 AND 2, BLOCK J, EAST ST. JOHNS, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT A 5/8"x30" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPETTO & ASSOC. INC." SET AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING NORTH 70°54'41" WEST 50.00 FEET FROM 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "B. WELLS & ASSOC. INC." FOUND AT THE NORTHEAST CORNER OF LOT 4, SAID BLOCK J; THENCE, ALONG THE EAST LINE OF SAID LOT 2, SOUTH 207°17'19" WEST 100.00 FEET TO A 5/8"x30" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPETTO & ASSOC. INC." SET AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE, ALONG THE SOUTH LINE OF SAID LOTS 2 AND 1, NORTH 70°54'41" WEST 50.00 FEET TO A 1/2" IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE, ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT OF WAY LINE OF N. FAIRHAVEN AVENUE, NORTH 207°17'19" EAST, 100.00 FEET TO A 5/8"x30" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPETTO & ASSOC. INC." SET AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE, ALONG THE NORTH LINE OF SAID LOTS 1 AND 2 AND ALONG THE SOUTH RIGHT OF WAY LINE OF N. SENECA STREET, SOUTH 70°54'41" EAST, 50.00 FEET TO THE INITIAL POINT. CONTAINS 5000 SQUARE FEET, MORE OR LESS.



I certify that this survey was prepared using HP7711 on Continental #JPC4M2 polyester film.

APPROVALS

APPROVED THIS 21st DAY OF MARCH, 2017.

BY: [Signature]
 CITY OF PORTLAND, PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 17th DAY OF MARCH, 2017.

BY: [Signature]
 CITY OF PORTLAND, CITY ENGINEER'S DELEGATE

MULTNOMAH COUNTY APPROVALS
 APPROVED THIS _____ DAY OF _____, 20____
 COUNTY SURVEYOR,
 MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF _____, 20____.

DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION, MULTNOMAH COUNTY, OREGON

BY: _____, 20____
 DEPUTY

STATE OF OREGON }
 COUNTY OF MULTNOMAH } SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 20____ AT _____ O'CLOCK _____ M. AS

PARTITION PLAT NO. _____ COUNTY RECORDING OFFICE
 BY: _____
 DEPUTY

DOCUMENT NO. _____

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT 9330 FAIRHAVEN LLC, AN ENTITY ORGANIZED UNDER THE LAWS OF THE STATE OF OREGON, IS THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP AND LOI PLAT DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92.

9330 FAIRHAVEN LLC
[Signature]
 DAVID HASSIN, MEMBER
[Signature]
 SIDNEY PERRY, MEMBER

ACKNOWLEDGMENT

STATE OF OREGON }
 COUNTY OF MULTNOMAH } SS

THE DECLARATION WAS ACKNOWLEDGED BEFORE ME ON MARCH 8th, 2017 BY DAVID HASSIN AND SIDNEY PERRY AS MEMBERS OF 9330 FAIRHAVEN LLC, ON BEHALF OF SAID COMPANY.

[Signature]
 NOTARY SIGNATURE

[Signature]
 FAWN WELLS, LL.M., J.D.
 NOTARY PUBLIC - OREGON

COMMISSION NO. 947805
 MY COMMISSION EXPIRES: MARCH 01, 2020

DATE: MARCH 7, 2017	FILE: T16088-POS.DWG
DRAWN BY: SPD/RL	JOB NO. T16088
REPETTO & ASSOCIATES, INC. LAND SURVEYORS	
Plaza 125, Building G 12730 SE Stark Street Portland, Oregon 97233 Phone: (503) 408-1507 Fax: (503) 408-2370	