



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Interim Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** 10/20/17  
**To:** Interested Person  
**From:** Diane Hale, Land Use Services  
503-823-7705 / [Diane.Hale@portlandoregon.gov](mailto:Diane.Hale@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 16-213788 LC**

#### **GENERAL INFORMATION**

**Applicant** Shawn Sullivan, Winkler Development Corporation / 210 SW Morrison St. Ste. 600 / Portland, OR 97204 / (503) 225-0701

**Owner:** James and Jordan Winkler, Gabriel 45 LLC / 210 SW Morrison St #600 / Portland, OR 97204-3150

**Site Address:** 6737 SW 45TH AVE  
**Legal Description:** BELLA VISTA, BLOCK 1 LOT 8 EXC N 11 FT, LOT 9 EXC N 11 FT & EXC PT IN ST, LOT 10 EXC PT IN ST;

**Tax Account No.:** R113785  
**State ID No.:** 1S1E19AA 300  
**Quarter Section:** 3724  
**Neighborhood:** Maplewood, contact Virginia Bowers at 503-823-4592.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.  
**Plan District:** None  
**Zoning:** R7 (Single Dwelling Residential, 7,000)  
**Case Type:** LC (Lot Consolidation)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The property located at 6737 SW 45th Avenue contains parts of 3 historic lots (lots 8 – 10, see attached proposal map for LU 16- 213788). The applicant proposes to consolidate the parts of historic lots 8 and 10 into one parcel. The applicant has proposed to vacate the portion of SW Florida Street located south of the site in a separate process. The street vacation and future land use processes and development are 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 currently zoned for single-family residential development and contains one single-family house and garage that was built in 1922. St. Luke Lutheran Church is located just to the west of the site. Gabriel Park is located to the east.

**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 November 9, 2016.

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 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. Therefore, the requested lot consolidation review has been 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. **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 requirements of the zone or meet the listed exceptions. The proposed consolidated lot meets the lot dimension requirements of the R7 zone as shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	<b>R7 Zone Requirement</b>	<b>Parcel 1 (after consolidation)</b>
Minimum Lot Area	4,200 square feet	9,085 square feet
Maximum Lot Area	12,000 square feet	
Minimum Lot Width*	40 feet	47 feet
Minimum Front Lot Line	30 feet	47 feet
Minimum Lot Depth	55 feet	153.80 feet

\* Width is measured at the minimum front building setback line

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

**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  $(9,085/7,000) = 1.29 = 1$  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 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. 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 the parts of historic lots 8 and 10 of Block 1, Bella Vista, 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 the parts of historic lots 8 and 10 of Block 1, Bella Vista, as illustrated by Exhibit C.1, signed and dated October 13, 2017.

**Staff Planner: Diane Hale**

**Decision rendered by:**  **on October 13, 2017**

By authority of the Director of the Bureau of Development Services

**Decision mailed October 20, 2017**

**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 JANUARY 11, 2018 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 July 29, 2016, and was determined to be complete on November 4, 2016.

*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 July 29, 2016.

*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 by 245 days, as stated with Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on November 4, 2017.**

**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](http://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.

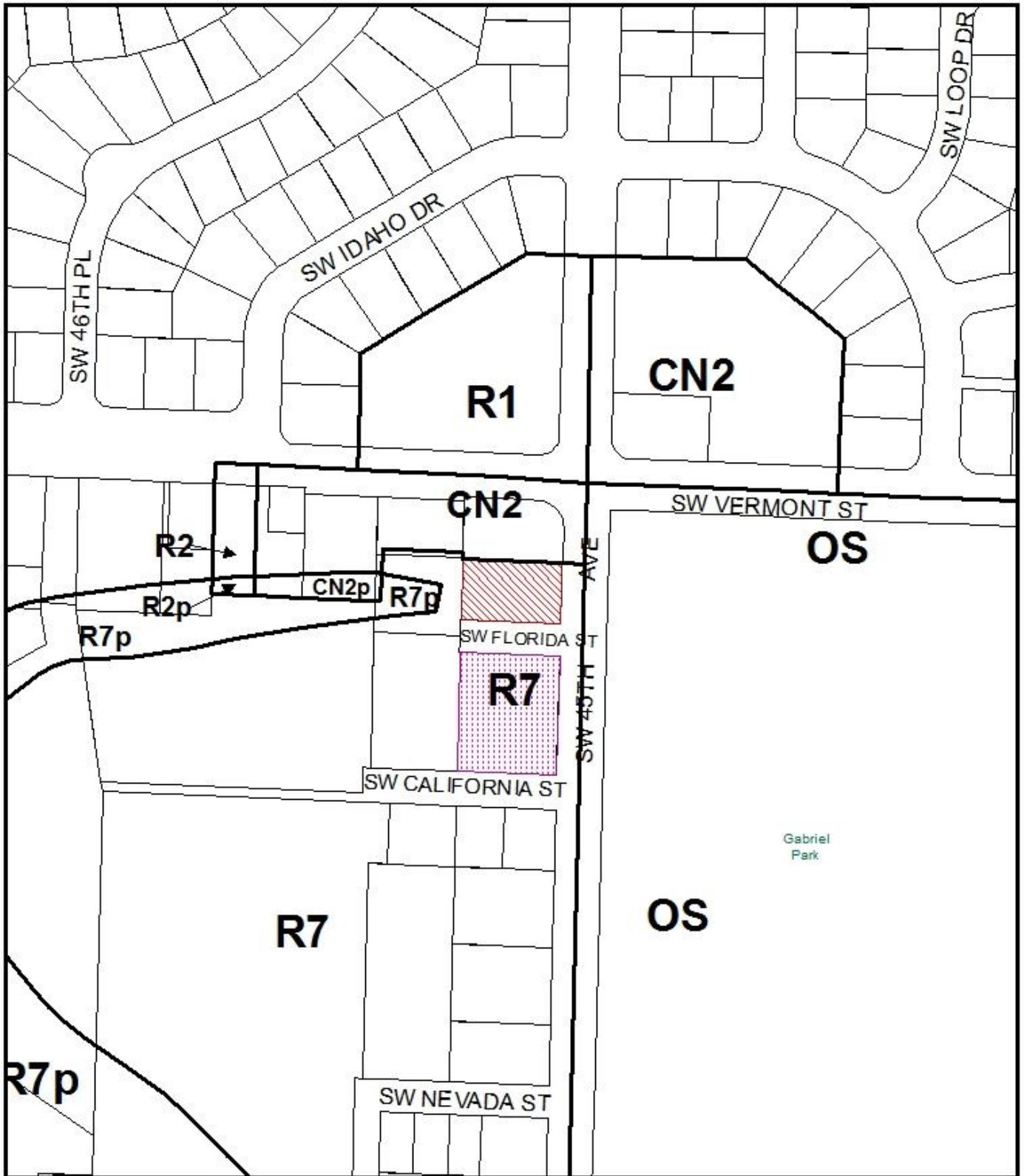
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant's original submittal
  - 2. Applicant's submission – 10/21/16
  - 3. Applicant's submission – 2/28/16
  - 4. Deed
  - 5. Applicant's narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Approved Plat (attached)
  - 2. Original Plat
  - 3. Supplemental Survey
- 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. Life/Safety Division of BDS
  6. Site Development Review Section of BDS
  7. Bureau of Parks, Forestry Division
- F. Correspondence: None
- G. Other:
1. Original LU Application
  2. Incomplete Letter
  3. Extension Requests (3)

**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
- Also Owned Parcels

File No. LU 16-213788 LC  
 1/4 Section 3724  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E19AA 300  
 Exhibit B (Aug 01, 2016)

# PARTITION PLAT NO. 1

## A REPLAT OF A PORTION OF LOTS 8 AND 10, BLOCK 1, "BELLA VISTA"

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

**LEGEND**

- = FOUND MONUMENT AS SHOWN.
- = SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP.
- = SET 5/8" CHARGE JONES & ASSOCIATES' ON AUGUST 15, 2017
- = FOUND TREE
- SO FT = SQUARE FEET
- B.T. = BEARING TREE
- SN = SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- W/RPC = COUNTY SURVEY RECORDS
- ORD. NO. = ORDINANCE NUMBER

**NOTES:**

1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE NO. LU 16-21298 LC.
2. THIS INSTRUMENT WAS CONSIDERED BEFORE ME ON SEP 30, 2017, BY JAMES WINKLER, PRESIDENT OF WINKLER DEVELOPMENT CORPORATION, THE MANAGING MEMBER OF GABRIEL 45 LLC, AN OREGON LIMITED LIABILITY COMPANY, ON ITS BEHALF.

**DECLARATION:** THESE PRESENTS THAT GABRIEL 45 LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LANDS REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE DIVISION AND THE PROPERTY PARTITIONS AS DESCRIBED ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF THE OREGON REVISED STATUTES CHAPTER 92.

GABRIEL 45 LLC  
BY: JAMES WINKLER, PRESIDENT  
MANAGING MEMBER

**ACKNOWLEDGEMENT:**  
STATE OF OREGON  
COUNTY OF MULTNOMAH  
S.S.

THIS INSTRUMENT WAS CONSIDERED BEFORE ME ON SEP 30, 2017, BY JAMES WINKLER, PRESIDENT OF WINKLER DEVELOPMENT CORPORATION, THE MANAGING MEMBER OF GABRIEL 45 LLC, AN OREGON LIMITED LIABILITY COMPANY, ON ITS BEHALF.

NOTARY SIGNATURE: *John S. ...*  
NOTARY PUBLIC - OREGON: *John S. ...*  
COMMISSION NO.: 926437  
MY COMMISSION EXPIRES: 03/17/2018

**SURVEYOR'S CERTIFICATE:**  
I, ERIC D. JONES, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED THE BOUNDARIES OF THE PLAT AS SHOWN ON THE ANNEXED MAP. THE ANNEXED MAP IS A TRUE AND EXACT COPY OF THE ORIGINAL. ALSO BEING A PORTION OF THAT LAND CONVERTED TO GABRIEL 45 LLC IN DOCUMENT NO. 2015-152179, RECORDED OCTOBER 15, 2015, MULTNOMAH COUNTY DEED RECORDS, AND BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 S., RANGE 1 E., WEST ALONG THE SOUTH LINE OF SAID LOT 10 AND SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" x 30" IRON ROD STAMPED "CHASE JONES & ASSOC." SET IN THE WEST RIGHT OF SW 45TH AVENUE, SAID 88°29'43" WEST A DISTANCE OF 51.00 FEET FROM A 4" BRASS DISC MARKING THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 1 EAST, AND BEING 25.00 FEET WEST OF, WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF SAID SW 45TH AVENUE, THENCE SOUTH 01°31'17" WEST ALONG THE WEST LINE OF SAID LOT 10; THENCE NORTH 87°34'40" WEST ALONG THE SOUTH LINE OF SAID LOT 10 AND LOT 8; THENCE NORTH 01°31'17" WEST ALONG THE WEST LINE OF SAID LOT 8; A DISTANCE OF 85.00 FEET TO THE MONUMENT; THENCE S 89°59'40" E 158.75' TO AN IRON PIPE, THENCE NORTH 01°31'17" WEST ALONG THE WEST LINE OF SAID SW 45TH AVENUE, THENCE NORTH 87°34'40" EAST ALONG THE NORTH LINE OF SAID SW 45TH AVENUE, A DISTANCE OF 51.00 FEET TO THE WEST LINE OF SAID LOT 9; A DISTANCE OF 36.00 FEET TO THE NORTH LINE OF SAID LOT 10; THENCE SOUTH 87°34'40" EAST ALONG THE CENTERLINE OF SAID SW 45TH AVENUE, MORE OR LESS.

**APPROVALS:**  
APPROVED THIS 30th DAY OF October, 2017  
BY: *Eric D. Jones*  
CITY OF PORTLAND PLANNING DIRECTOR

APPROVED THIS 30th DAY OF October, 2017  
BY: *John S. ...*  
CITY OF PORTLAND - CITY ENGINEER'S DELEGATE

APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2017  
COUNTY SURVEYOR  
MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 308.040 HAVE BEEN PAID AS OF THIS \_\_\_ DAY OF \_\_\_\_\_, 2017  
DIRECTOR, DIVISION OF ASSESSMENT & TAXATION  
MULTNOMAH COUNTY, OREGON

BY: \_\_\_\_\_ DEPUTY  
STATE OF OREGON  
COUNTY OF MULTNOMAH  
I HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED THIS \_\_\_ DAY OF \_\_\_\_\_, 2017 AT \_\_\_\_\_ M. AS PARTITION PLAT NO. \_\_\_\_\_ COUNTY RECORDING OFFICE  
BY: \_\_\_\_\_ DOCUMENT NO. \_\_\_\_\_

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
OREGON  
JULY 16, 1982  
ERRIC D. JONES  
1996

RENEWS: 6-30-19

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL.

**NARRATIVE:**

1. THE PURPOSE OF THE SURVEY IS TO CREATE A ONE PARCEL PARTITION OF LOT 10 AND PART OF LOT 8, BLOCK 1, BELLA VISTA, EXCEPT THAT PORTION OF SAID LOT TO DESCRIBED IN DEED FOR ROAD PURPOSES.
2. I HELD POINTS [A] TO [B] AS THE BASIS OF BEARINGS PER SN 59420.
3. FROM [A], I HELD THE PLAT DISTANCE OF 36.00' TO [C] FOR THE WEST RIGHT OF WAY LINE OF SW 45TH AVENUE AS PLATED. FROM [C], I HELD THE LINE PARALLEL TO [A] - [B] A DISTANCE OF 15.00' TO POINT [D]. BEARINGS 89°54'03" AND IS IN AGREEMENT WITH SN 59420.
4. FROM [C], I HELD THE PLAT DISTANCE OF 171.00' TO [F] AND AN ADDITIONAL PLAT DISTANCE OF 47.00' TO A CALCULATED POSITION, OF WHICH THE MONUMENT AT [D] WAS HELD EAST AND WEST DISTANCE IS WORKED 0.22' OF WEST PER DEED FOR RIGHT OF WAY PURPOSES IN DOCUMENT NO. 2016-011586 TO SET [L] AND [N].
5. FROM [D], I HELD PARALLEL TO LINE [A] - [B] AND THE PLAT DISTANCE OF 154.00' TO [O].
6. FROM [F], I HELD PARALLEL TO LINE [A] - [B] AND THE PLAT DISTANCE OF 103.20' TO [H].
7. FROM [O], I HELD PARALLEL TO LINE [E] - [C] AND 85.00' PER DOCUMENT NO. 97-180437 TO [I].
8. FROM [H], I HELD PARALLEL TO LINE [E] - [C] AND 36.00' PER DOCUMENT NO. 97-180437 TO [J].

