



### City of Portland, Oregon Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor Rebecca Esau, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** June 8, 2018

**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 <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 17-267971 LC

### **GENERAL INFORMATION**

**Applicant:** Kevin Partain | Urban Visions

223 NE 56th Ave | Portland, OR 97213 (503) 421-2967 | kevinp@gorge.net

**Owner:** Fish Construction NW, Inc.

6401 NE 33rd Ave | Portland, OR 97211

**Site Address:** Lots south of 8525 SE 89<sup>th</sup> Avenue

**Legal Description:** Block 1 Lot 22 & the east 25' Of Lot 25, Panama Villa

**Tax Account No.:** R642000220 **State ID No.:** R842000220 182E21CD 02900

Quarter Section: 3839

**Neighborhood:** Lents, contact Cora Lee Potter, Land Use Chair, at

cora.potter@gmail.com

Business District: Eighty-Second Ave of Roses Business Association, Frank Harris at

info@82ndave.org

Lents Business Association, contact <a href="mailto:lentsgrown@gmail.com">lentsgrown@gmail.com</a>

**District Coalition:** East Portland Neighborhood Office, Victor Salinas, 503-823-6694

**Plan District:** Johnson Creek Basin - South

**Zoning:** R5a – Residential 5,000 with the 'a' Alternative Design Density Overlay

**Case Type:** LC – Lot Consolidation

**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land

Use Board of Appeals (LUBA).

**Proposal:** This proposal is to consolidate one historically platted lot and a remnant of an adjacent historically platted lot (Panama Villa, Block 1, Lot 22 and the east 25 feet of Lot 25). A similar and concurrent Lot Consolidation is occurring on the site just to south (LU 17-267966 LC). This is being done to facilitate a Property Line Adjustment at the site which would result in the consolidated lots being oriented north-south rather than east-west (PR 18-142229 PLA).

### 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 Approval Criteria.** 

### **FACTS**

**Site and Vicinity:** This vacant site is situated at the southern edge of an oversized block in outer Southeast Portland, across the street from the Clackamas County line. Directly east of the site across SE 89<sup>th</sup> Avenue is the MAX Light Rail line and Interstate 205. The surrounding neighborhood is largely comprised of single dwelling development. A manufactured home park is located to the south of the site across SE Clatsop Street. Until recently, the site was under the same ownership as the lot with the existing house to the north (8525 SE 89<sup>th</sup> Avenue). The site presently is comprised of a grassy area to the east and several large trees to the west.

**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.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This lot consolidation is not using any provisions of the "a" overlay.

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

**Land Use History:** City records indicate there are previous land use actions for this site that are relevant to this case:

- **PR 17-267961 LC (Lot Confirmation):** Application for a Lot Confirmation to confirm combinations of lots and lot remnants that comprised Tax Account R233240 (which includes this site and the two sites to the north) into the current configuration.
- LU 17-267966 LC (Lot Consolidation): Concurrent application with this Lot Consolidation to consolidate the historically platted lot/lot remnant combination on the site immediately to the south (Panama Villa, Block 1, Lot 23 and the east 25 feet of Lot 24).
- **PR 18-142229 LC/PLA:** Application for a Property Line Adjustment (PLA) that is under review. This Lot Consolidation is a necessary step to approval of the Lot Confirmation/PLA application. Once this step is complete, the Lot Confirmation/PLA

proposes to rotate the historically platted lot line within the Lot Consolidation site from an east-west orientation to north-south.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on January 12, 2018.

- **1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the applicable 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 a 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 Criteria for a Lot Consolidation 33.675.300 Approval Criteria

A lot consolidation must meet the following criteria:

- 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 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 lot dimensions and the lot dimension standards of the R5 zone (found in Table 610-2 of the Zoning Code) are shown in the following table:

	R5 Zone Requirement	Lot 1 (after consolidation)	
Minimum Lot Area	3,000 square feet	2,794 square feet	
Maximum Lot Area	8,500 square feet		
Minimum Lot Width*	36 feet	26.3 feet	
Minimum Front Lot Line	30 feet	27.9 feet	
Minimum Lot Depth	50 feet	105.2 feet	

<sup>\*</sup> Width is measured at the minimum front building setback line

The proposed consolidated lot does not meet some of the lot dimension standards of the R5 zone (specifically, the minimum lot size, minimum lot width, and minimum front lot line); however, exceptions 1.a, 1.c, and 1.d exempt the site from those dimension standards since the existing lot consolidation site did not meet those standards.

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 requirements 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 2,794-square foot site is currently vacant. The consolidation will increase the lot area, thereby bringing it closer into conformance with the maximum density requirements, which calls for one (1) unit per 5,000 square feet; however, maximum density standards will be met at the time of development.

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:** The lot consolidation will consolidate a lot remnant that lacks street frontage with a lot that has street frontage. The site will meet maximum lot area requirements after the consolidation and will meet minimum density at the time of development.

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 Parcel 1 will not be a through lot. Therefore, this requirement 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 division approvals. The lot consolidation must meet one of the following:
  - 1. All conditions of previous land division approvals continue to be met or remain in effect; or
  - 2. The conditions of approval no longer apply to the site, or to the development on the site, if the lots are consolidated.

**Findings:** There are no previous land division approvals for this site, therefore these requirements do not apply.

C. 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 requirements does not apply.

D. Services. The lot consolidation does not eliminate the availability of services to the lots, and the consolidated lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

**Findings:** The relevant service bureaus have responded with no objections or concerns with this lot consolidation proposal (Exhibits E), therefore this requirement is met.

### 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 Lot 23 and the east 25 feet of Lot 24, Block 1, Panama Villa, 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 Lot 22 and the east 25 feet of Lot 25, Block 1, Panama Villa, as illustrated by Exhibit C.3, signed and dated May 31, 2018.

Decision rendered by: \_\_\_\_\_\_ on May 31, 2018

By authority of the Director of the Bureau of Development Services

Decision mailed June 8, 2018

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 (JULY 23, 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 November 8, 2017, and was determined to be complete on December 27, 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 November 8, 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 waived the 120-day review period, as stated with Exhibit G.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. 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

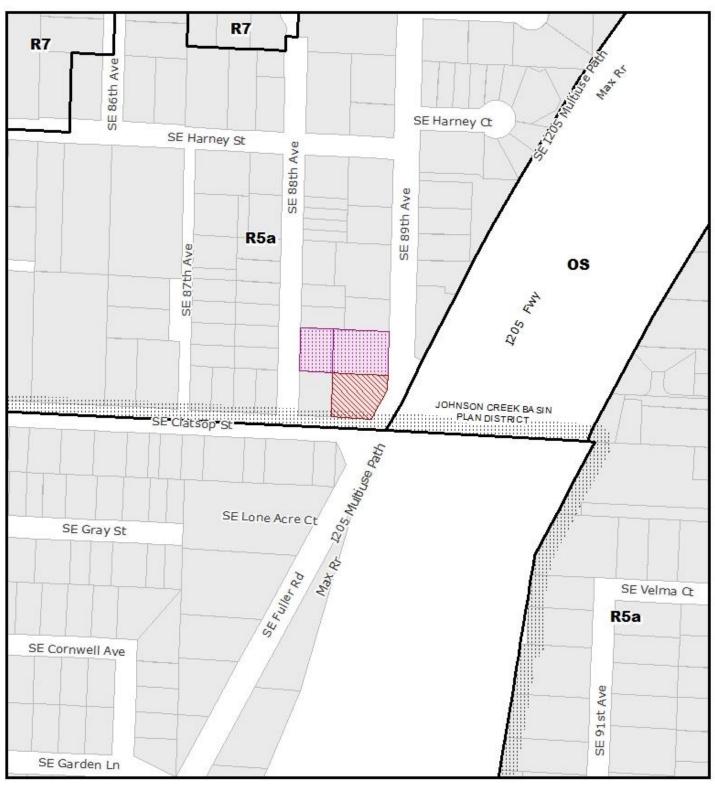
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

### **EXHIBITS**

### NOT ATTACHED UNLESS INDICATED

- A. Applicant's statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Survey
  - 2. Lot Consolidation Plat 12/27/17
  - 3. 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
  - 3. Water Bureau
    - a. Original response 3/22/18
    - b. Email indicating approval 5/30/18
  - 4. Urban Forestry
- F. Correspondence: None
- G. Other:
  - 1. Original LU application
  - 2. Incomplete letter
  - 3. 120-Day waiver
  - 4. Original deed

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).



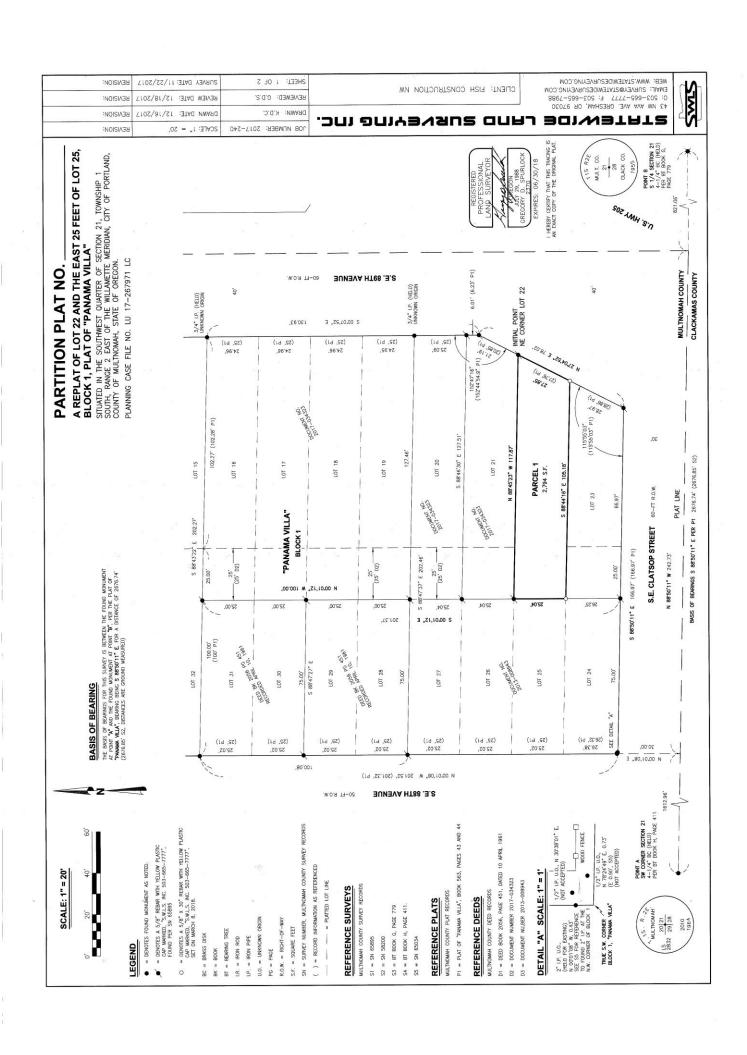




THIS SITE LIES WITHIN THE: JOHNSON CREEK BASIN PLAN DISTRICT SOUTH SUBDISTRICT



File No.	LU 1	7-267966 LC		
1/4 Section	3839			
Scale	1 inc	1 inch = 200 feet		
State ID	1S2E	21CD 2900		
Exhibit	В	Nov 13, 2017		



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2-665-7988 SURVEYING.COM 08 97030

### CLIENT: FISH CONSTRUCTION NW

### SHEET: 2 OF 2 REVIEWED: G.D.S. DRAWN: K.D.C.

### LAND SURVEYING INC.

### SENISION: SURVEY DATE: REVISION: REVIEW DATE: 12/18/2017 DRAWN DATE: 12/16/2017 **KEAIZION:**

REVISION: 108 NUMBER: 2017-240

APPROVED THIS 31St DAY OF 147

NEER'S DELEGATE APPROVED THIS 12 TO DAY OF APRUL

MULTNOMAH COUNTY

APPROVED THIS DAY
COUNTY SURVEYOR,
MLI TNOMAH COUNTY OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID

ASSESSMENT & TAXATION, COUNTY, OREGON DIRECTOR, DIVISION OF A MULTNOMAH C

COUNTY OF MULTNOWAH STATE OF OREGON

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

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DOCUMENT NO. DEPUTY

mande

EXPIRES: 06/30/18

## SURVEYOR'S CERTIFICATE

I, OREGORY D. SPURLOCK, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SUMPTIED AND MARKED WITH THE PROPER MOUNDAINST THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

LOT 22 AND THE EAST 25 FEET OF LOT 25, BLOCK 1, OF THE PLANDAR WILL RECORDED INTURBAUM COUNTY DECEMBED IN THE SOUTHWEN PERSONS SACRAS, STANDED IN THE SOUTHWEN COUNTY OF CASECINA, TO INVESTION TO INVESTIGATION. COUNTY OF MICHARDAR, STANDER, CAN OPECUAR, BEING MORE PARTICULARLY DESCRIPTION.

BEGINNING AT THE INITIAL POINT, A 5/8° REBAR WITH YELLOW PLEASING COG-865-7777\* (POUND AT MINE, AS 1. BLOCK 1. S. BLOCK 1. OF TANNAM, MINE, A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SESSITH AND THE WESTERLY RIGHT OF WAY LINE OF S.E.

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FEET DIT HE WORTHWEST CONDER OF SAU EST 25.00 FEET OF
STAMPED, S.M.L.S. NO. 50.3–665–1777?;

THENCE, ALONG THE WEST LINE OF SAID EAST 25.00 FEET OF LOT 25, BENE PAPALLEL WITH THE WESTERN LINE OF SAID LOT 25, SOUTH OTOTI'S EAST FOR A DISTANCE OF SAID, SAID LOT 25, JAMEED BY A 5/8" FEEDER WITH YELLOW PLASTIC, CAP STAMPED, "SMLLS, INC., 2012-666-77777;

THEREOR, AND THE SOUTH HE OF SAD LOTS 25 AND 22.
SOUTH BEST CHORNE OF SAU LOT 22. BEST TO THE SOUTH BEST CHORNE OF SAU LOT 22. BEST OF THE WESTERY ROLT OF WAY LINE OF SAU SOUTHWEST FOR THE WAY LINE OF SAU SOUTHWEST BOTH ADMINISTRATION OF STANFED.

"SWLLS. INC. SOUTHERS THE SAU STANFED.

THENCE, CREAMON THE SCHOOL LOST AND LOST 2, AND ALONG THE EAST UNK THENCE AND SAD WESTERN FROM FOR WAY UNK OF SAD E. BRITH ARCHIE, MENNE TO THE TOTAL STORY TO DISTANCE OF 2,555 FEET TO THE INTIMAL POINT.

ESSCHEED LANDS CONTAINED 2,794 SQUARE FEET, MORE OR LESS.

### NOTES

1) THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY IN CASE FILE NUMBER LU 17-267971 LC.

# PARTITION PLAT NO.

A REPLAT OF LOT 22 AND THE EAST 25 FEET OF LOT 25, BLOCK 1, PLAT OF "PANAMA VILLA"

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON.

PLANNING CASE FILE NO. LU 17-267971 LC

## CITY OF PORTLAND APPROVALS

CITY OF PORTLAND LAND DIVISION CASE FILE NUMBER LU 17-267971 LC . 20 TS

20 18 Mes

## **APPROVALS**

20 DAY OF

M O'CLOCK AS PARTITION PLAT MULTNOMAH COUNTY RECORDING OFFICE

I HEREBY CERTIFY THAT THIS TRACING AN EXACT COPY OF THE ORIGINAL PLAT

DECLARATION

INC., AS OFFICIAL OFFICES PRESENT, HAT FISH CONTRICTION NW.
INC., AS OFFICIAL OFFICI

anni.

PRESIDENT OF FISH CONSTRUCTION N.W. INC. JEFFREY PAUL FISH,

## ACKNOWLEDGMENTS

SS STATE OREGON

NAME ALL PERSONS BY THESE PRESENTS ON THIS LET'N DON'D WAND ON STATE AND CONSTRUCTION OF WAND ONE STATE OF THE PERSONAL VEHICLE STATE OF THE STATE OBSERVATION WAS INC. WHO CERNO DIM STATE WHICH WE STATE DESIGNATION AND INTERPRETATION OF WHICH THE STATE OBSERVATION AND ADDRESS WANDED TO WHICH THE STATE OBSERVATION OF THE PROPERTY OF THE PERSONAL STATE COUNTY OF MULTNOMAH

Is a de M. Hayden Tracy M. Hayden

70840P COMMISSION NO. MY COMMISSION EXPIRES: MANTAN LL, 2019

### NARRATIVE

THE PURPOSE OF THIS SHRREY IS TO REPLAT LOT 22 TOGETHER WITH THE EAST 25 FEET OF TAXABLE ALCAS, BLOCK OF THE PLAT OF PAWAM, WILL, RECORDED IN BOOK 563.47 PAGES 45-44, MUTROMH COMPITY PLAT RECORDES, AS PARCEL. 1 PER THE CITY OF PORTLAND LOT CONSOLUDATION LU 17-26/971 LC.

BASIS OF BEARING AND BOUNDARY DETERMINATION IS PER SN 62895, MULTNOMAN COUNTY STREPED ADMINISTRY THE STORTH HIR OF SOM LOTS 2.2 AND 25 WIS ESTREPARED USING THE PRODATIONS AS SHOWN ON SAUD RECORD OF SURVEY SN 65895.