



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

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Date: October 29, 2018
To: Interested Person
From: Kate Green, Land Use Services
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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 18-189558 LC

GENERAL INFORMATION

Applicant: Sarah Radelet | Strata Land Use Planning
PO Box 90833 | Portland OR 97290
503-320-0273 | sarah@stratalanduse.com

Owner: Isabelle Booth Trust
7310 SW 63rd Avenue | Portland OR 97219-1135

Owner's Representative: Sam Booth
6302 Scenic Drive | Yakima WA 98908

Surveyor: Toby Bolden | Centerline Concepts Inc
19376 Molalla Avenue, Suite 120 | Oregon City OR 97045

Site Address: 13130 SE LINCOLN STREET

Legal Description: BLOCK 7 W 27.42' OF LOT 10 EXC PT IN ST E 54.88' OF LOT 11 EXC PT IN ST, DAGMAR AC

Tax Account No.: R193904290

State ID No.: 1S2E02CD 00200

Quarter Section: 3243

Neighborhood: Hazelwood | Arlene Kimura | 503-252-9429

Business District: Midway | info@midwaybusiness.org

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

Zoning: Single Dwelling Residential 5,000 (R5)
Alternative Design Density (a) overlay

Other Designations: David Douglas School District

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 requests a **Lot Consolidation** to combine portions of lots into one consolidated property (Parcel 1, *as shown on the attached Lot Consolidation Partition Plat*).

The proposed consolidated property is made up of portions of lots that were initially established through a 1914 plat (Dagmar Acres) and subsequently established as a “lot of record” via a 1952 warranty deed.

The requested Lot Consolidation is in preparation for a future Property Line Adjustment between the proposed consolidated property and the abutting property in the same ownership (13064 E/SE Grant 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 Approval Criteria.**

ANALYSIS

Site and Vicinity: The subject site is an approximately 30,000 square foot property. The north end of the site fronts onto SE Lincoln Street. The applicant recently granted a 6-foot dedication to the city along the SE Lincoln Street frontage through a separate process (Designate and Assign). On the south end of the site, there is a 1-foot reserve strip between the south lot line and SE Grant Street, which disallows access to that street, until such time as that reserve strip is removed by the city.

The site is currently developed with a single-dwelling residence and several detached outbuildings, which are proposed to remain. The site is relatively flat, with no significant topographic features. A number of large diameter trees are located across the site.

Within 400 feet of the site, the nearby development consists of predominately single-dwelling residences in the R5 zone. The lot sizes are variable, with some larger lots, comparable in size to the subject property, and others that have been subdivided into smaller (3,200 to 5,000 square foot) lots over the past 10-20 years. The street grid is evolving, with a mix of public and private rights-of-way being established as the surrounding area is further divided. SE Lincoln Street terminates approximately 85 feet to the east into the Lincoln Park Elementary School (David Douglas School District) and Lincoln Park is located just north of the school site.

Infrastructure:

- **Streets** – The site has approximately 83 feet of frontage on SE Lincoln Street and the site will have approximately 82 feet of frontage on SE Grant Street once the 1-foot reserve strip is removed by the city. At this location, the City’s Transportation System Plan (TSP) classifies SE Lincoln and SE Grant as Local Service Streets for all modes; and, according to City GIS, SE Lincoln is improved with a 40-foot paved roadway and 0.5-foot curb, in a 50-foot right-of-way and SE Grant is improved with a 14-foot paved roadway, and no curb/sidewalk on the subject (north) side of the street, in a 25-foot right-of-way.

There are two driveways entering the site along SE Lincoln Street that serve the existing house. Tri-Met provides transit service approximately 1,000 feet south of the site along SE Division Street via Bus Line 4.

- **Water Service** – Water is available from 6-inch mains in SE Lincoln and SE Grant Streets. Static pressure is estimated at 52 – 65 psi.
- **Sanitary Service** - There is a public 8-inch PVC sanitary sewer in SE Lincoln St (BES as-built #5051). There is a public 8-inch PVC sanitary sewer in SE Grant St in front of the east corner of the site (BES as-built #5051).
- **Stormwater Disposal** – Public underground injection control (UIC) systems (“sumps”) infiltrate stormwater runoff from the public right-of-way in the vicinity of the site. Stormwater from private development cannot be discharged to public UICs.

Zoning: The site is in a Single-Dwelling Residential 5,000 (R5) zone. *The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.*

The site is also within the Alternative Design Density (a) overlay zone. *The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.* This Lot Consolidation proposal is not using any of the a-overlay provisions.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A “Notice of Proposal in your Neighborhood” was mailed on **July 20, 2018**. No written responses have been received.

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 combine into one to three lots. The regulations ensure that the 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 counties to consolidate lots under one tax account. A tax account 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 perimeter of consolidated lots must follow existing lot lines. Lot lines cannot be created or moved through this process. 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 requested lot consolidation has been reviewed under the Type Ix procedure, and the site is not involved in a prior Planned Unit Development or Planned Development.

Approval Criteria for a Lot Consolidation

33.675.300 Approval Criteria

A lot consolidation will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

- 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are exempt from minimum lot depth requirements.

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;

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;

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;

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: The subject property is in the R5 zone, so the consolidated property (Parcel 1) must meet the lot standards in Chapter 33.610 or one of the noted exceptions.

In this case, the consolidated property (Parcel 1) is made up of two portions of two previously platted lots. Each portion is a “Lot Remnant”, which is defined (33.910) as “a portion of a lot that has a lot area of 50 percent or less of the original platted lot”. The dimensions for each portion are listed in the table below along with the minimum dimensions required for Lot Remnants.

Lot Remnants	Minimum dimensions	West remnant	East remnant
Minimum Lot Area	3000 square feet	approximately 20,258 square feet	approximately 10,038 square feet
Minimum Lot Width	36 feet	55 feet	27 feet

Since the east portion is not wide enough to stand alone as a developable property (Table 110-6), the applicant has proposed to combine both portions, via this Lot Consolidation.

The dimensions for the consolidation property (Parcel 1) are identified in the table, below, relative to the R5 lot dimension standards. At this time, the minimum front lot line and minimum width standards only apply to the SE Lincoln Street frontage. Once the 1-foot reserve strip along SE Grant Street is removed by Portland Transportation, Parcel 1 will be a through lot with frontages on both SE Grant and SE Lincoln, which is allowable, per 33.610.300.B, since both streets have a Local Service designation.

R5 Zone	Lot Dimension Standards (Table 610-2)	Parcel 1 (after consolidation)
Minimum Lot Area	3,000 square feet	30,296 square feet
Maximum Lot Area	8,500 square feet	
Minimum Lot Width*	36 feet	83 feet
Minimum Front Lot Line	30 feet	83 feet
Minimum Lot Depth	50 feet	366 feet

* Width is measured at the minimum front building setback line, per 33.930.100.A.

As shown above, Proposed Parcel 1 will be larger than the maximum lot area provisions; however, this is allowable, per Exception A.1.b, since each portion of the consolidation site already exceeds the maximum lot area standard.

The maximum density in the R5 zone is one unit per 5,000 square feet; and the minimum density is one unit per 5,000 square feet based on 80 percent of the site area. Based on the applicant's survey, the area of the consolidated property is 30,296 square feet. Therefore, if the property were further divided through a future Land Division, it would have a maximum potential density of 6 units and a minimum required density of 5 units. At this time, the consolidated property (Parcel 1) is developed with a single dwelling residence, which is consistent with the density allowable for a single lot. The consolidation will not move the site out of conformance with the minimum or maximum allowable density.

As noted herein, the proposed consolidated lot meets the applicable standards of Chapter 33.610, or is allowable through Exception A.1.b, and none of the other exceptions are applicable. Therefore, this criterion is met.

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 cases for this site, therefore this requirement 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 (Exhibit 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 portions of Lots 10 and 11, of Block 7 of Dagmar Acres, that were initially established through a 1914 plat (Dagmar Acres) and subsequently established as a "lot of record" via a 1952 warranty deed into one consolidated property (Parcel 1). No City Bureaus raised objection to the proposal. As discussed above, the proposal has been reviewed and shown to be able to meet all the requirements for a Lot Consolidation. Accordingly, the proposal is approved.

ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one consolidated property (Parcel 1), from portions of Lots 10 and 11, of Block 7 of Dagmar Acres, as illustrated by Exhibit C.1, signed and dated October 25, 2018.

Decision rendered by:  on October 25, 2018
By authority of the Director of the Bureau of Development Services

Decision mailed October 29, 2018

Staff Planner: Kate Green

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 23, 2019), 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 June 19, 2018 and was determined to be complete on July 17, 2018.

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 June 19, 2018.

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 extended the 120-day review period by 35 days (Exhibits A.5.a and A.5.b). Unless further extended by the applicant, **the 120 days will expire on: December 24, 2018.**

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.

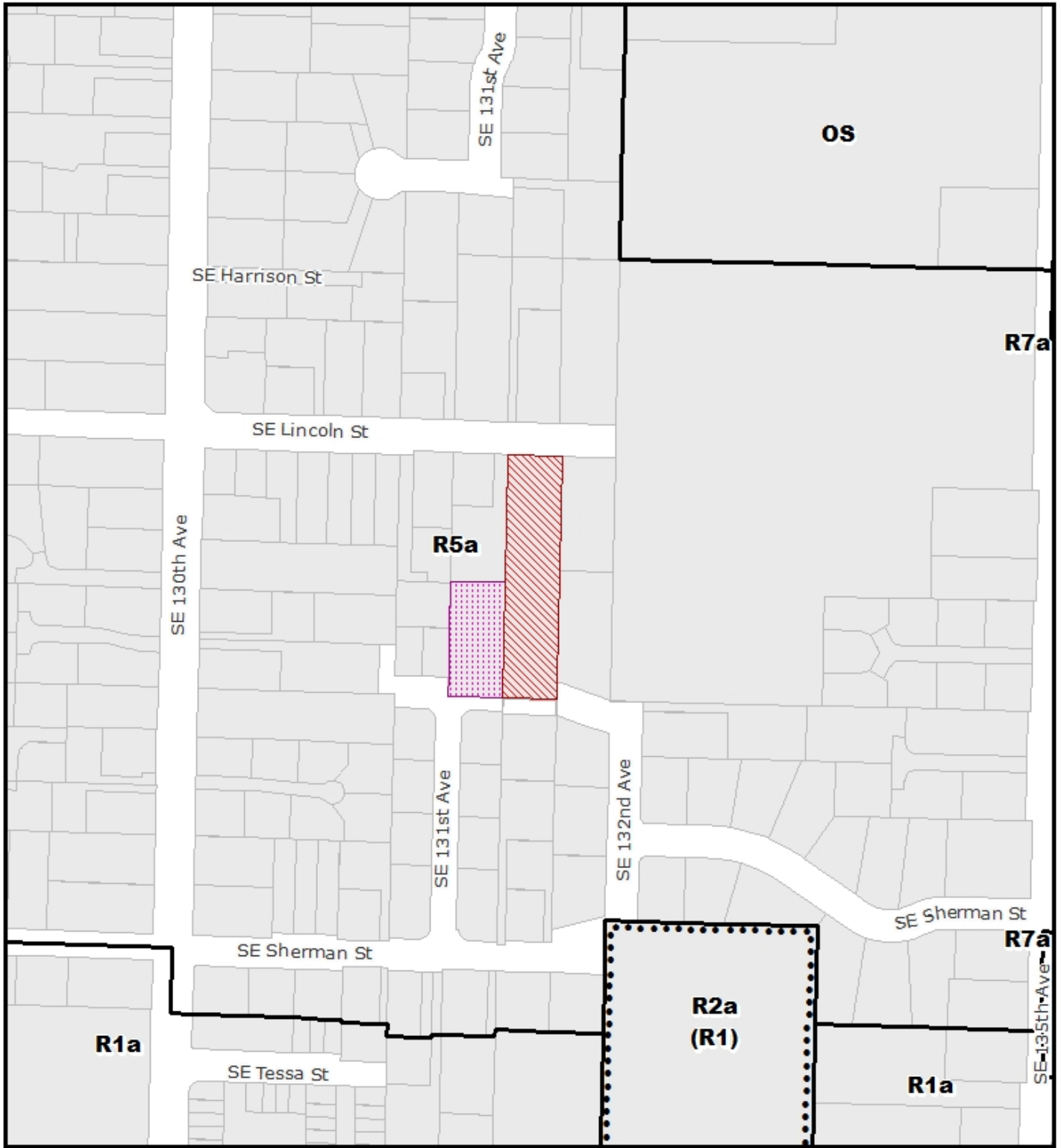
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS



NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial Submittal
 - 2. Legal Descriptions email (6/22/2018)
 - 3. Revised Materials (7/16/2018)
 - 4. Multnomah County redlines, certificate of survey (10/4/2018)
 - 5. Review Timeline Extensions
 - a. September 3, 2018 Extension
 - b. October 2, 2018 Extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Lot Consolidation Plat (attached)
 - 2. Existing Conditions Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Transportation
 - 3. Water Bureau
 - 4. Life Safety/BDS
 - 5. Site Development
 - 6. Fire Bureau
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. Correspondence to/from applicant

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 
NORTH

-  Site
-  Also Owned Parcels

File No.	LU 18-189558 LC
1/4 Section	3243
Scale	1 inch = 200 feet
State ID	1S2E02CD 200
Exhibit	B Jun 21, 2018

PARTITION PLAT NO.

A REPLAT OF A PORTION OF LOTS 10 AND 11, BLOCK 7, "DAGMAR ACRES", LOCATED IN THE S.W. 1/4 OF SECTION 2, T.1S., R.2E., W.M., CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON OCTOBER 3, 2018 SCALE 1"=30' PLANNING FILE NO. 18-189558 LU SHEET 1 OF 2

LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 3/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "CENTERLINE CONCEPTS, INC." PARTITION PLAT NO. 1991-149
- ▲ FOUND 3/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "CENTERLINE CONCEPTS, INC." PARTITION PLAT NO. 1991-149
- SET 3/8" x .50" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS, INC." OCTOBER 3, 2018
- () = RECORD DISTANCES & BEARINGS
- = RECORD DISTANCE & BEARING
- FD = FOUND W/ WITH
- FFC = FOUND W/ WITH YELLOW PLASTIC CAP
- S/W = SURVEY WITH
- P/LA = PROPERTY LINE ADJUSTMENT
- DOC. NO. = DOCUMENT NUMBER
- REC. = RECORDS
- CO. = COUNTY DEED
- SN = SURVEY NUMBER MULTNOMAH COUNTY
- P1 = PARTITION PLAT NO. 1991-149
- P2 = PARTITION PLAT NO. 1996-49
- S1 = S.W. 1/4 SECTION 2, T.1S., R.2E., W.M. MULTNOMAH COUNTY
- S2 = S.W. 1/4 SECTION 2, T.1S., R.2E., W.M. MULTNOMAH COUNTY
- S3 = S.W. 1/4 SECTION 2, T.1S., R.2E., W.M. MULTNOMAH COUNTY



SIGNED ON: 04 OCT 2018
 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY G. BLODIN
 603775

RENEWS: DECEMBER 31, 2019



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE: 503.650.0188 FAX: 503.650.0189

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