



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

Ted Wheeler, Mayor
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Date: February 5, 2019
To: Interested Person
From: Sean Williams, 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 18-208070 LC

GENERAL INFORMATION

Applicant: Nathan Arnold | Faster Permits
2000 SW 1st Avenue, Suite 420 | Portland, OR 97201

Owner/Owner's Representative: Vlad Rudnitskey | Structure Redevelopment LLC
PO Box 3026 | Clackamas, OR 97015

Site Address: 541 NE Humboldt Street

Legal Description: BLOCK 2 LOT 23&24&C, DAVIS HIGHLAND
Tax Account No.: R199500140
State ID No.: 1N1E23BC 05000
Quarter Section: 2531
Neighborhood: King, contact Michael Barrett at michael@hbx-studio.com
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: None
Zoning: Residential 5,000 (R5) w/ Alternative Design Density (a) and Aircraft Landing Zone Overlay (h)
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 Lot 24 and Tract C of Davis Highland, Block 2 into one parcel. The lot consolidation is in preparation for a future property line adjustment (18-184372 PR) with abutting Lot 23. 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 site is located on the northeast corner of NE Grand Avenue and NE Humboldt Street. A single family home (18-157293 RS) and detached garage were recently removed from the site.

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.

The Aircraft Landing ("h") overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

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 August 24, 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 regarding 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 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 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.

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.

Findings: The proposed site is in the R5 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 all of the lot dimension standards of the R5 zone, as shown below (Table 610-2 of the Zoning Code), with the exception of Minimum Lot Width. However, the consolidated lot is exempt from minimum lot width, per 33.675.300.A.1.c.

	R5 Zone Requirement	Parcel 1 (after consolidation)
Minimum Lot Area	3,000 square feet	3,028 square feet
Maximum Lot Area	8,500 square feet	
Minimum Lot Width*	36 feet	30.26 feet
Minimum Front Lot Line	30 feet	30.26 feet
Minimum Lot Depth	50 feet	100 feet

* Width is measured at the minimum front building setback line

As noted herein, the proposed consolidated lot meets the applicable standards of Chapters 33.605 through 33.615 or the exceptions noted above. This requirement is met.

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 $(3,028/5,000) = .60 = 1$ unit. The site was 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 requirement 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 Lot 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 requirement 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 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 historic Lot 24 and Tract C of Davis Highland, Block 2 into one parcel. The lot consolidation is in preparation for a future property line adjustment (18-184372 PR) with abutting Lot 23. 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 requirements 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 24 and Tract C of Davis Highland, Block 2 into one parcel, as illustrated by Exhibit C.1, signed and dated January 31, 2019.

Decision rendered by:  on February 1, 2019
By authority of the Director of the Bureau of Development Services

Decision mailed: February 5, 2019

Staff Planner: Sean Williams

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 (May 6, 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 July 24, 2018, and was determined to be complete on August 20, 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 July 24, 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 requested that the 120-day review period be extended, as stated with Exhibit A.3. Unless further extended by the applicant, **the 120 days will expire on: March 18, 2019.**

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.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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.

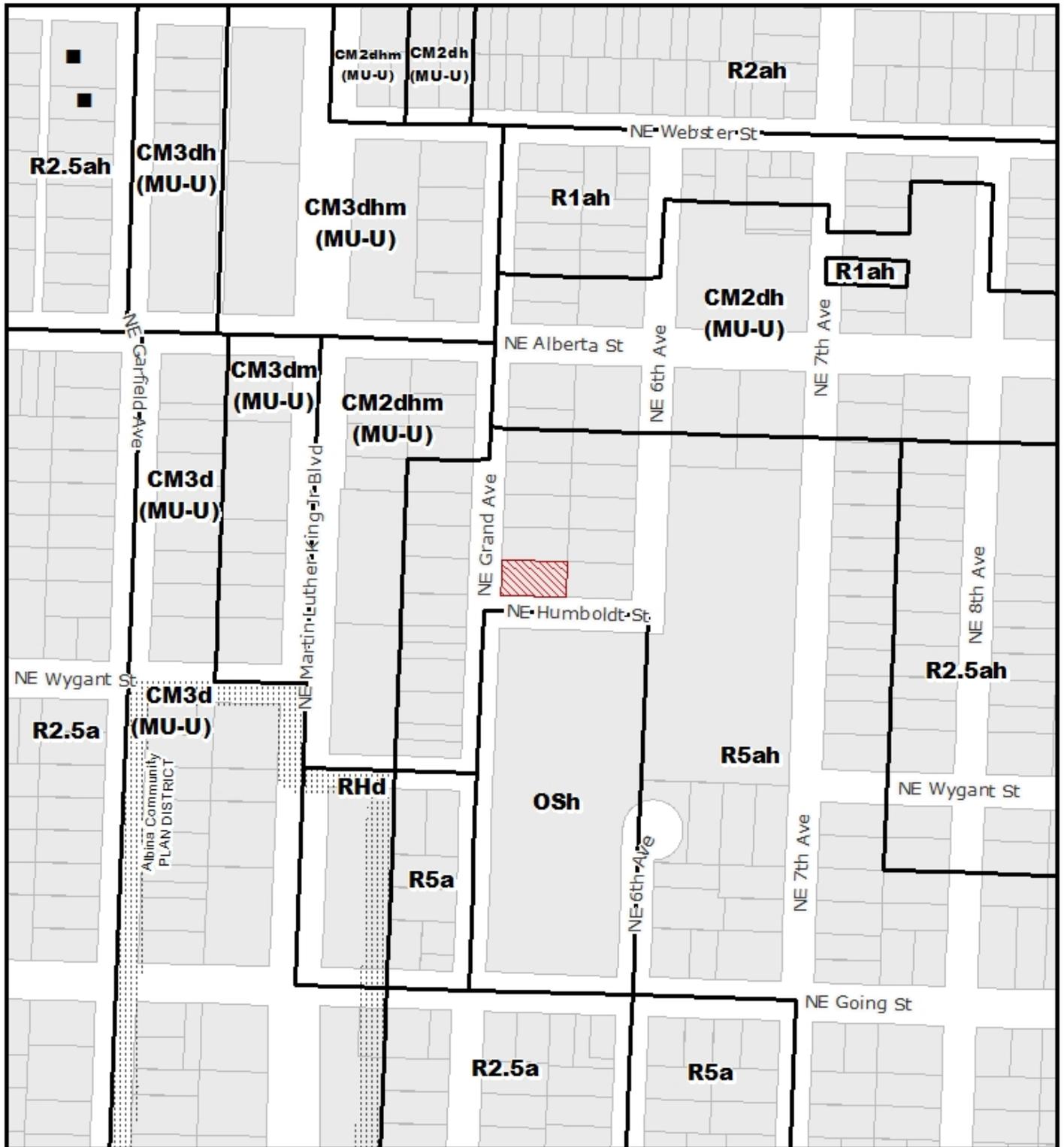
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Legal descriptions
 - 2. Title report
 - 3. Request for extension of 120-day review period
- 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. Site Development Review Section of BDS
 - 3. Bureau of Transportation Engineering and Development Review; Water Bureau; Fire Bureau
- F. Correspondence: NONE
- G. Other:
 - 1. 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

↑
NORTH

-  Site
-  Historic Landmark

File No.	LU 18-208070 LC
1/4 Section	2531
Scale	1 inch = 200 feet
State ID	1N1E23BC 5000
Exhibit	B Jul 26, 2018

PARTITION PLAT NO.

A REPLAT OF LOT 24 AND TRACT "C" BLOCK 2, "DAVIS HIGHLAND"
SITUATED IN THE NW 1/4 OF SECTION 23, T.1N., R.1E., W.1M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: JULY 16, 2018

NARRATIVE
THE PURPOSE OF THIS SURVEY IS TO CONSOLIDATE A PORTION OF THE BOUNDARY LINE OF SAID TRACT "C" BLOCK 2, "DAVIS HIGHLAND" (MULTNOMAH COUNTY RECORDS) BEING LOT 24 AND TRACT "C", BLOCK 2, "DAVIS HIGHLAND" (MULTNOMAH COUNTY PLAT RECORDS).

AS THE BASIS OF BEARINGS I HELD THE LINE BETWEEN THE MONUMENT HELD AT THE NORTHWEST CORNER OF SAID LOT 24 AND TRACT "C", BLOCK 2, "DAVIS HIGHLAND" (MULTNOMAH COUNTY PLAT RECORDS) AND THE MONUMENT REFERENCING THE NORTHWEST CORNER OF LOT 5 OF SAID BLOCK AND PLAT, INFERRED AS N89°00'00"W PER (P2) AS SHOWN.

TO ESTABLISH THE NORTH LINE OF THE SUBJECT PROPERTY I OFFSET THE LINE HELD AS THE BASIS OF BEARINGS THE RECORD DISTANCE OF 100.00 FEET SOUTHERLY PER (P2) AS SHOWN.

TO ESTABLISH THE EAST RIGHT OF WAY LINE OF NE GRAND AVENUE (50.00' WIDE) ALSO BEING THE WEST LINE OF THE SUBJECT PROPERTY, I HELD THE MONUMENT REFERENCING THE NORTHWEST CORNER OF SAID LOT 5 AS A 4.65' OFFSET AND THE IRON ROD FOUND AT THE NW CORNER OF LOT 6, EXTENDED SOUTHERLY THE DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. THE DISTANCE OF 100.00 FEET CALCULATED FROM THE PLAT OF "DAVIS HIGHLAND" (P1), TO ESTABLISH THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY AS SHOWN.

TO ESTABLISH THE EAST LINE OF THE SUBJECT PROPERTY, I OFFSET THE ESTABLISHED WEST LINE EASTERLY THE RECORD DISTANCE (100.00') PER (P1) AS SHOWN.

TO ESTABLISH THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY, I HELD THE RECORD MONUMENT REFERENCING THE NW CORNER OF LOT 5 AS A 4.65' OFFSET AND HELD RECORD BEARING AND DISTANCE (104.65') EAST TO ESTABLISH THE NORTHEAST CORNER OF SAID LOT 5. I THEN HELD RECORD BEARING AND DISTANCE (100.00') PER (P2) AND RECORD DISTANCE (00.30') CALCULATED FROM THE PLAT OF "DAVIS HIGHLAND" (P1) SOUTHERLY AS SHOWN.

THE SOUTH LINE IS THEN ESTABLISHED BETWEEN THE ESTABLISHED SOUTHWEST AND SOUTHEAST CORNERS OF THE SUBJECT PROPERTY AS SHOWN.

NOTE: NO MONUMENTS OF RECORD WERE FOUND IN "DAVIS HIGHLAND" BLOCK 2, SECTION 23, T.1N., R.1E., W.1M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON. THEREFORE I AM FINDING NO CONTINUITY BETWEEN BLOCKS.

SURVEYOR'S CERTIFICATE:

I, DONALD SCOTT SORENSON, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH MONUMENTS AND MEASUREMENTS THE PARTITION PLAT SHOWN ON THE ATTACHED MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

LOT 24 AND TRACT "C", BLOCK 2, "DAVIS HIGHLAND", CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT BEING A 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "FERGUSON LAND SURVEYING INC.", SET AT THE NORTHWEST CORNER OF TRACT "C", BLOCK 2, "DAVIS HIGHLAND", FROM WHICH THE DISTANCE OF 100.00 FEET IS MEASURED SOUTHERLY TO THE POINT OF BEGINNING; THENCE S89°00'00"W ALONG THE EAST RIGHT OF WAY LINE OF NE GRAND AVENUE (25.00 FEET RIGHT OF WAY LINE MEASURE FROM CENTERLINE); THENCE LEAVING SAID EAST RIGHT OF WAY LINE, S90°00'00"E ALONG THE NORTH LINE OF SAID TRACT "C", AND THENCE S00°22'09"W ALONG THE EAST LINE OF SAID TRACT "C"; AND CONTINUING ALONG THE EAST LINE OF LOT 24 OF SAID BLOCK 2, DISTANCE STAMPED "FERGUSON LAND SURVEYING INC." SET AT THE SOUTHWEST CORNER OF SAID LOT 24; THENCE N89°58'28"W ALONG THE SOUTH LINE OF SAID LOT 24 A DISTANCE OF 100.00 FEET TO A 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "FERGUSON LAND SURVEYING INC." SET AT THE SOUTHWEST CORNER OF SAID LOT 24; SAID CORNER BEING ON THE EAST RIGHT OF WAY LINE OF SAID NE GRAND AVENUE (25.00 FEET RIGHT ANGLE MEASURE FROM CENTERLINE); THENCE N00°22'09"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 36.26 FEET TO THE INITIAL POINT.

CONTAINING 3,028 SQUARE FEET

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT STRUCTURE REDEVELOPMENT, LLC, OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DONALD SCOTT SORENSON, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY DECLARE THIS MAP OF THIS PARTITION PLAT TO BE CORRECT, AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND RECORDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

STRUCTURE REDEVELOPMENT, LLC
BY VLAD RUDNITSKY, MEMBER

ACKNOWLEDGMENT:

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON

January 14, 2019,
BY SAID RUDNITSKY, MEMBER OF STRUCTURE REDEVELOPMENT, LLC,
ON BEHALF OF SAID COMPANY.

Donniche Michelle Ferguson
DONNICHE MICHELLE FERGUSON
NOTARY PUBLIC - OREGON

COMMISSION NO. 917356
MY COMMISSION EXPIRES 10/1/19

NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE LU 18-208070.

APPROVALS:

APPROVED THIS 31st DAY OF January, 2019

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

APPROVED THIS 30th DAY OF January, 2019

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

APPROVED THIS _____ DAY OF _____, 2019

BY: _____
MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED

BY O.R.S. 60.005 HAVE BEEN PAID AS OF _____, 2019
DIRECTOR DIVISION OF ASSESSMENT AND TAXATION,
MULTNOMAH COUNTY, OREGON.

BY: DEPUTY _____

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS

RECEIVED FOR RECORD AND RECORDED _____, 2019

AT _____ M., AS PARTITION PLAT NO. _____

COUNTY RECORDING OFFICE.

BY: DEPUTY _____

DOCUMENT NO. _____

REGISTERED PROFESSIONAL LAND SURVEYOR
[Signature]
OREGON
JULY 11, 2017
DONALD SCOTT SORENSON
060310
RENEWAL DATE 6/30/20

FERGUSON Land Surveying, Inc. 646 SE 106TH AVE. PORTLAND, OR 97216 Phone (503) 408-0601 Fax (503) 408-0602	PARTITION PLAT LOT 24 AND TRACT "C", BLOCK 2, "DAVIS HIGHLAND" SITUATED IN THE NW 1/4 OF SECTION 23, T.1N., R.1E., W.1M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON	STRUCTURE REDEVELOPMENT VLAD RUDNITSKY PO BOX 3028 CLACKAMAS, OR 97015	DATE: JULY 16, 2018 REVISIONS: REVISION REVISION REVISION	JOB NO. 18-057 DRAFTED 07.16.18 SHEET 2 OF 2