



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: March 11, 2019
To: Interested Person

From: Shawn Burgett, Land Use Services

503-823-7618 / shawn.burgett@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 18-266205 LC

GENERAL INFORMATION

Applicant/Owner: Jonathan W Shannon & Cody M Shannon

5711 SE 51st Ave, Portland, OR 97206 503-320-8194/jwshannon_us@yahoo.com

Representative: Danelle Isenhart | Emerio Design

6445 SW Fallbrook Pl., Suite 100, Beaverton, OR 97008

Site Address: 5711 SE 51ST AVE

Legal Description: BLOCK 7 LOT 1-3, GERMANIA

Tax Account No.: R313400900 **State ID No.:** R312E18CA 02900

Quarter Section: 3635, 3636

Neighborhood: Woodstock, contact Ed Herrera at ed4woodstock@gmail.com

Business District: Woodstock Community Business Association, contact Ann Sanderson

at anndango@gmail.com.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R5 (Single Family Residential 5,000 sq. ft.)

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 Historic Lots 2 and 3 of Germania, Block 7 into one parcel. The lot consolidation is in preparation for a future Property Line Adjustment/Lot Confirmation (reviewed under PR 18-217496 PLA LC) with the abutting Lot 1 under the same ownership. The property line adjustment/lot confirmation will result in an additional developable lot that will have street frontage on SE Reedway St. directly west of the existing house. 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 approval criteria are:

• Zoning Code Section 33.675.300, Lot Consolidation Standards.

ANALYSIS

Site and Vicinity: The existing single-family home located on the site which was built in 1917 is proposed to remain. The properties directly adjacent to the subject are all single-family residential homes.

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 that the applicant has applied for a property line adjustment under 18-217496 PR in association with Lot 1, Block 7 of Germania. The property line adjustment proposed cannot be approved until the lot consolidation is recorded.

Agency Review The service Bureaus have responded with mostly no issues or concerns about the proposal (exhibits E): Life Safety (exhibit E.6) indicated they could not support the proposal since the proposed lot line crosses through the existing detached garage as shown on Exhibit C.2. However, as indicated above the lot consolidation is in preparation for a future Property Line Adjustment/Lot Confirmation (reviewed under PR 18-217496 PLA LC, see Exhibit G.2) with the abutting Lot 1 under the same ownership. The property line adjustment/lot confirmation will result in an additional developable lot that will have street frontage on SE Reedway St. directly west of the existing house and will result in the lot line currently going through the existing detached garage to be re-oriented, so it no longer crosses through this structure. A condition of approval has been added to ensure the Property Line Adjustment/Lot Confirmation is completed prior to new development on this lot which will ensure no future Building code conflicts.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 7, 2018**. No written response has been received from a 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 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. The requested lot consolidation review is being 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 R5 zone. Approval standard is 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. The site meets the minimum lot area, lot width, minimum depth and front lot line requirements of the R5 zone.

	R5 Zone	Parcel 1
	Requirement	(after consolidation)
Minimum Lot Area	3,000 square feet	5,000 square feet
Maximum Lot Area	8,500 square feet	
Minimum Lot Width*	36 ft.	50 feet
Minimum Front Lot	30 ft.	50 feet
Line		
Minimum Lot Depth	None	100 feet

^{*} Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

As noted herein, the proposed consolidated lot meets standard A.

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 unit. Therefore the maximum density will not be exceeded by consolidating the historic lots that currently make up this site. This standard is met.

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: All the lots within this 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: None of lots in the lot consolidation site are through lots, 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 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 development on the site, if the lots are consolidated.

Findings: There are no previous land use case conditions for this site, therefore this standard does not apply.

C. Conditions of other land use approvals. Conditions of other land use approvals continue to apply, and must be met.

Findings: There are no previous land use case conditions for this site, therefore this standard 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 service bureaus (see Exhibits E.1, E.3 and E.5) have all indicated that they have no concerns with the proposal. This criterion 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 Lots 2 and 3; Block 7 of Germania 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 out of historic Lots 2 and 3; Block 7 of Germania, as illustrated by Exhibit C.1, signed and dated March 6, 2019 with the following condition of approval:

1. A Property Line Adjustment and Lot Confirmation of Historic Lot 1, Block 7, Germania and re-orientation of this lot to provide lot frontage along SE Reedway St. as proposed under PR 18-217496 PLA LC (exhibit G.2) must be City approved and recorded with Multnomah County prior to any new development on this site.

Staff Planner: Shawn Burgett

By authority of the Director of the Bureau of Development Services

Decision mailed March 11, 2019

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 (6/4/19), OR THIS DECISION WILL BECOME NULL AND VOID

Procedural Information. The application for this land use review was submitted on **November 14, 2019,** and was determined to be complete on **December 5, 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 November 14, 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 did not waive 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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

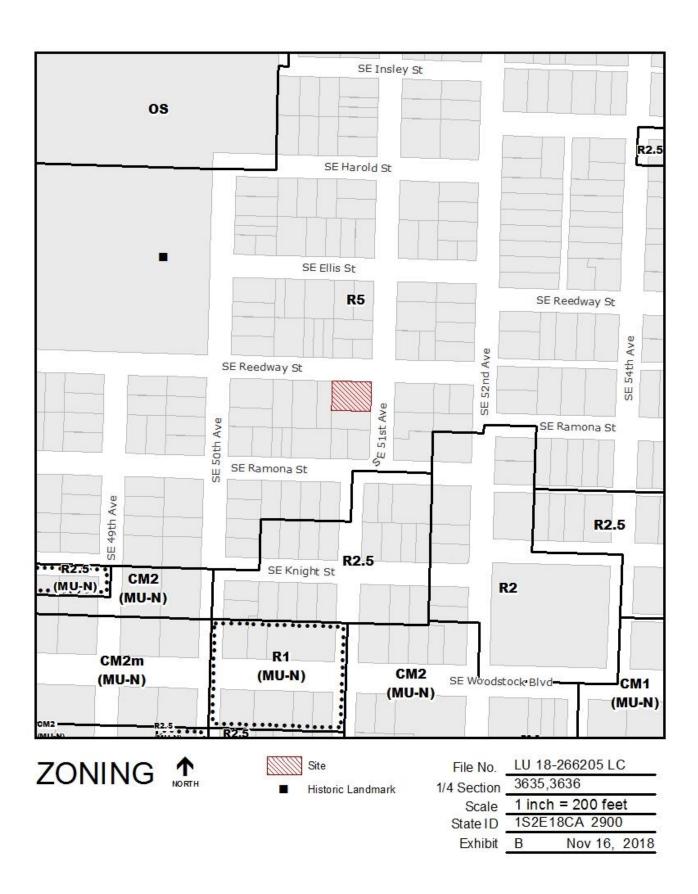
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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.

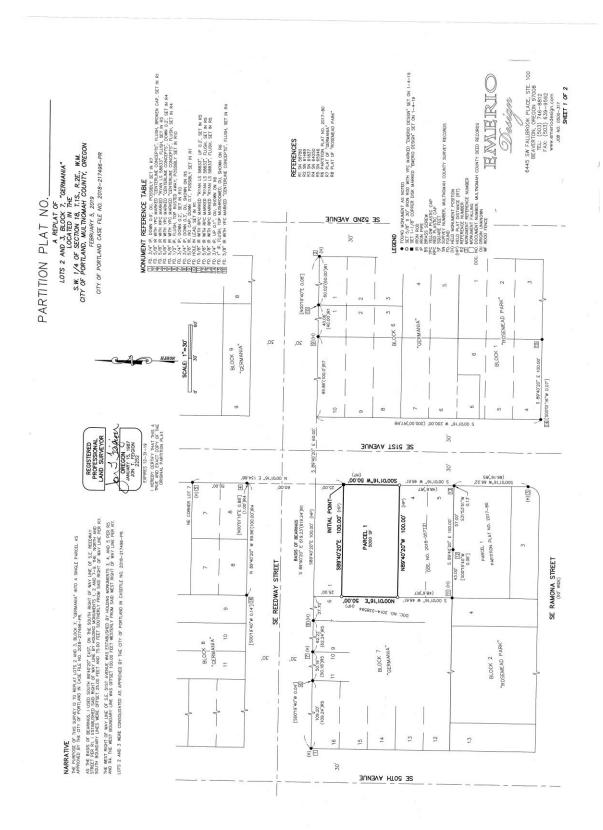
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants Narrative
 - 2. Expediated Land Division Acknowledgement
 - 3. Historic Plat
 - 4. Legal Description
 - 5. Survey submitted 11/14/18
 - 6. Title Report
 - 7. Full size Supplemental Survey
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. 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. Site Development Review Section of BDS
 - 6. Life Safety
- F. Correspondence: (None Received)
- G. Other:
 - 1. Original LU Application
 - 2. PLA proposal (PR 18-217496 PLA LC)

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).





PARTITION PLAT NO.

ACCAPATION ALL DECE EN PESS PRESENTS THAT JOAN THAN WE SAHARION AND COOK M. NOWN ALL DECE EN PESS PRESENTS THAT JOAN DECEMBERS THE AFTACHED SHARING OF THE LANGE DECEMBERS THE AFTACHED SHARING OF THE LANGE DAVING AND THAT CAUSED THE ACCESSION OF THE ARRESTED WAS AND THAT CAUSED THE ACCESSION OF THE PROSENTY OF DE PARTITIONED IN ACCESSIONAL, WHIT THE PROVINCES OF CASE, CAMPITER 92.

COOP IN SHANNON

OTS 2 MID 3, BLOCK 7, OF THE PLAT OF "GERMANN", MULTHOUNN COUNTY PLAT RECORDS, COATED. IN THE S.W. 1/4 OF VERSIONS, BL. 155, STACK, WEST, WILL WERE WEIGHAN, OTY OF PORTLAND, MULTHOUGHN COANTY, ORGON, EBNG MORE PARTICLARS. SURVEYOR'S CERTIFICATE
1, JOHN TROOM, LEBEN CERTOR THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND
PREPRESENTED OF THE AMENCED PARTITION FLAT, SAID LAND BRING DESCRIBED AS PELLONE.

EIGNANIG AT THE NATIAL FRONT WHERE I SET A 1-1/8" BENNESN COPPER DOK WARRED 'DAERO DESDA" AT THE WARRED ASSON, TOWN THE SET OF S

STATE OF GERONAL SSSS THE OF GERONAL SSSSS THE OF GERONAL SSSSSS THE OF GERONAL SSSSSSS THE OF STRUMENT HAS SHAMON AND CODY IL SHAMON.

ACKNOWLEDGEMENT STATE OF OREGON

gand avaderigh Wills Jaydene Leigh Wiles

MY COMMISSION EXPIRES: 07/15/2019 COMMISSION NO. 940882A

PLAT NOTES

THE CITY OF PORTLAND IN CASE FILE NUMBER 2018-2174-56-PR.

NUMBER 2018-2174-56-PR.

BY: BUL PUCKEY (RS) CITY OF PORTLAND - PLANNING DIRECTOR DELEGATE CITY OF PORTLAND APPROVALS
APPROVED THIS CAN DAY OF MASSIVE

APPROVED THIS 20th of EEDELAND.

BY

CITY OF PORTLAND - OTY ENGINEER'S DELEGATE

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

DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION, MULTNOMAH COUNTY, OREGON ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROV BY O.R.S. 92,095 HAVE BEEN PAID AS OF:

BY: DEPUTY

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORDED COUNTY OF MULTNOMAH) SS

0'0'00K M. AS PARTITION PLAT NO.

BY: DEPUTY

EMERIO Design

6445 SW FALIBROOF PLACE, STE. 100 BEAVERTON, ORECON \$7008 TEL. (500) 746-6802 FAX: (500) 599-6362 www.enteriologien.com JOB 900 6000-377

SHEET 2 OF 2