



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: July 25, 2019
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / 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 19-130118 LC

GENERAL INFORMATION

Applicants: Kevin Partain, Urban Visions (503) 421-2967
223 NE 56th Ave / Portland OR 97213

Justin Wood, Fish Construction NW, Inc (503) 292-9891
6401 NE 33rd Ave / Portland OR 97211

Applicants' Representative: Jocosa Bottemiller, Statewide Land Surveying, Inc (503) 665-7777
43 NW Ava Ave / Gresham OR 97030

Owner: Greg Perrin, Lakeview II Defferred Profit Sharing Plan & Trust
5891 SW Meridian Way / Tualatin OR 97062

Site Address: 1305 NE 88TH AVE
Legal Description: BLOCK 3 LOT 14-16, HAZELDELL
Tax Account No.: R369800500
State ID No.: 1N2E33BA 03800
Quarter Section: 2939
Neighborhood: Madison South, contact Kimberly Botter at mkbotter@msn.com
Business District: Parkrose Business Association, contact parkrosebusinessassociation@gmail.com
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.
Zoning: R5 (Single family residential, 5,000)
Case Type: LC (Lot Consolidation)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to consolidate historic lots 15 and 16, Block 3 of Hazeldell, into one parcel. This lot consolidation is part of an overall proposal with a Property Line Adjustment to create two parcels from the existing corner lot. There are three underlying historic lots at this site; therefore, historic lots 15 and 16 must be consolidated into one parcel. The Property Line Adjustment will rotate the line between lots 14 and Parcel 1 (following the lot consolidation approval) to create lots facing NE 88th Avenue. Future development is not part of this review and has not been submitted to the City at this time.

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 site is a 6,300 square foot corner lot that contains a single family house built in 1916. The area is generally surrounded by a mix of single family, multi family and industrial development. Interstate 84 abuts the site to the south.

Zoning: Single Dwelling Residential, 5,000 square feet. The R5 designation is one of the City's single-dwelling zones, which are 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 April 26, 2019.

- 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:** One comment was received in response to the notice that expressed support for 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 the lot dimension standards of the R5 zone as shown in the following table (this information is found in Table 610-2 of the Zoning Code):

| | R5 Zone Requirement | Parcel 1 (after consolidation) |
|------------------------|----------------------------|---------------------------------------|
| Minimum Lot Area | 3,000 square feet | 4,559 square feet |
| Maximum Lot Area | 8,500 square feet | |
| Minimum Lot Width* | 36 feet | 59.25 feet |
| Minimum Front Lot Line | 30 feet | 59.25 feet |
| Minimum Lot Depth | 50 feet | 81.68 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 and the standards of 1.a through 1.e. 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 $(4,599/5,000) = .91 = 1$ 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 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 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 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 lots 15 and 16 of Block 3 of Hazeldell, 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 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 lots 15 and 16 of Block 3 of Hazeldell, into one parcel, as illustrated by Exhibit C.1, signed and dated July 19, 2019.

Decision rendered by: Diane Hale on July 19, 2019

By authority of the Director of the Bureau of Development Services

Decision mailed July 25, 2019

Staff Planner: Diane Hale

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 (OCTOBER 17, 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 March 8, 2019, and was determined to be complete on April 5, 2019.

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 March 8, 2019.

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 or extend the 120-day review period. The 120-day period expires on August 3, 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.

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.

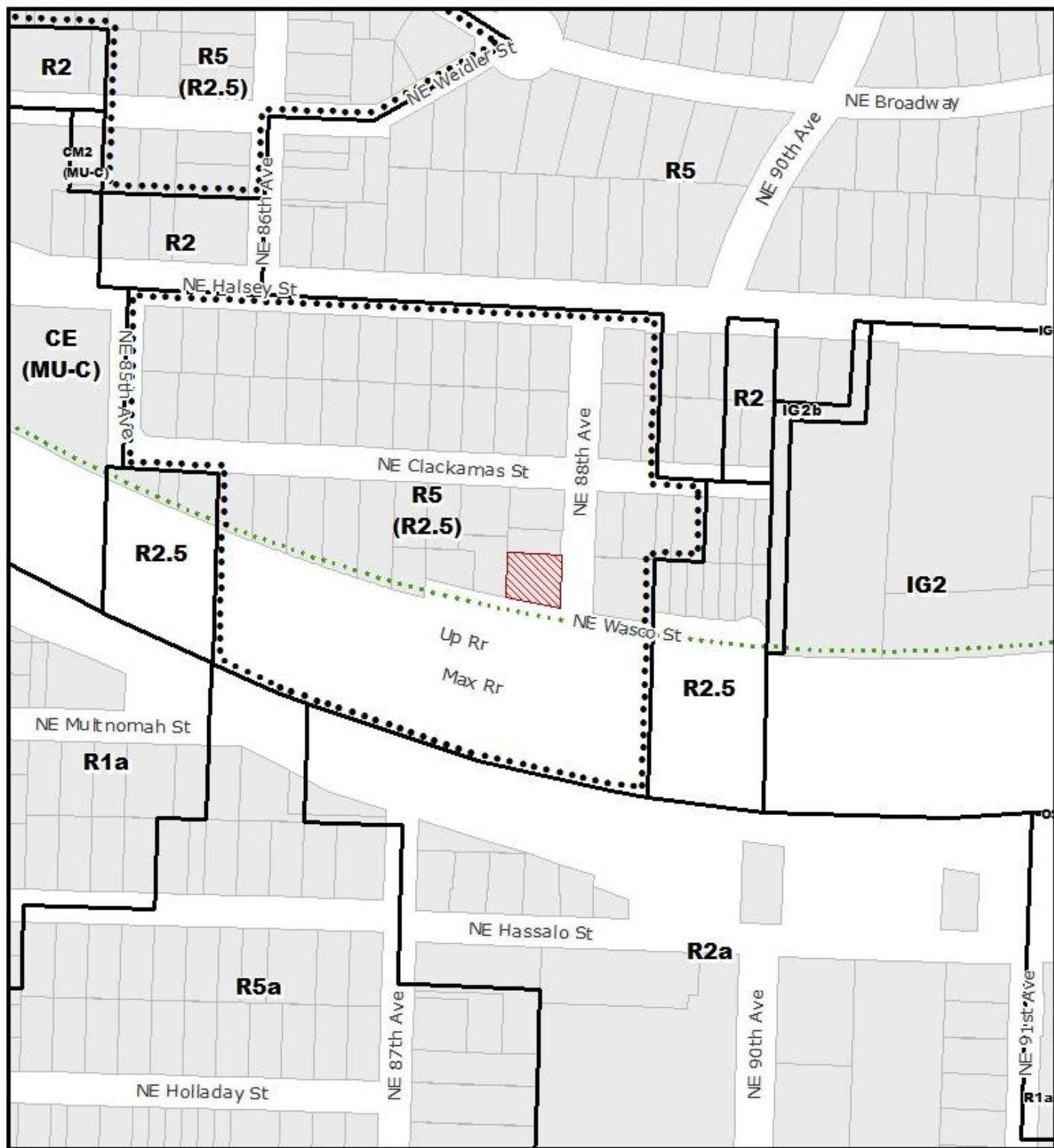
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Submittal
 - 2. Applicant's Submittal – April 17, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
 - 2. Supplemental Survey
 - 3. Original Plat
- 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: Jane Taylor, 1300 NE 88th Ave, Portland OR 97220
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Site



Recreational Trails

| | |
|-------------|-------------------|
| File No. | LU 19-130118 LC |
| 1/4 Section | 2939 |
| Scale | 1 inch = 200 feet |
| State ID | 1N2E33BA 3800 |
| Exhibit | B Mar 13, 2019 |

