



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

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**Date:** January 31, 2020  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [Sean.Williams@portlandoregon.gov](mailto:Sean.Williams@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 19-232932 LC**

#### **GENERAL INFORMATION**

**Applicant:** Danelle Isenhart | Isenhart Consulting LLC  
PO Box 2364 | Beaverton, OR 97075  
(503) 880-4979 | [danelle@isenhartconsulting.com](mailto:danelle@isenhartconsulting.com)

**Owner:** Louis Cohen  
3007 NE 8th Ave | Portland, OR 97212-3146

**Site Address:** 1337 NE Webster St

**Legal Description:** BLOCK 4 LOT 20-22, SERENE PK  
**Tax Account No.:** R754200750  
**State ID No.:** 1N1E23BA 17600  
**Quarter Section:** 2531

**Neighborhood:** Vernon, contact at [vernon@necoalition.org](mailto:vernon@necoalition.org).  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

**Plan District:** None  
**Zoning:** Residential 2,500 (R2.5) w/ Alternative Design Density (a) and Aircraft Landing Zone (h) Overlays  
**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 Lots 21 and 22 of Serene Park Subdivision (Block 4) into one parcel. The lot consolidation is in preparation for a future property line adjustment (19-198103 PR) with abutting Lot 20 of the same subdivision. 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 north side of NE Webster Street between NE 13<sup>th</sup> and 14<sup>th</sup> Avenues. Existing development consists of a single family residence and detached garage. The surrounding vicinity is primarily developed with single family homes. The nearest commercial corridor is one block to the south along NE Alberta Street.

**Zoning:** The R2.5 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 there are no prior land use reviews for this site.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on October 7, 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:** 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 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.

**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 R2.5 zone, so the consolidated lot (Parcel 1) must meet the standards in Chapter 611 or one of the noted exceptions, above. The proposed consolidated lot meets the lot dimension standards of the R2.5 zone as shown in the following table (this information is found in Section 33.611.200 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Parcel 1 (after consolidation)</b>
Minimum Lot Area	1,600 square feet	4,236 square feet
Maximum Lot Area	N/A	
Minimum Lot Width*	36 feet	50 feet
Minimum Front Lot Line	30 feet	50 feet
Minimum Lot Depth	40 feet	85.25 feet

\* Width is measured at the minimum front building setback line

As noted herein, the proposed consolidated lot meets the standards of Chapter 33.611. None of the 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**

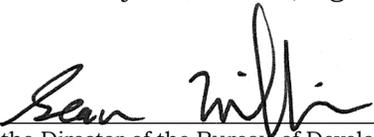
Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be 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 historic Lots 21 and 22 of Serene Park Subdivision (Block 4) 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 21 and 22 of Serene Park Subdivision (Block 4), as illustrated by Exhibit C.1, signed and dated January 28, 2020.

**Decision rendered by:**  **on January 29, 2020**  
By authority of the Director of the Bureau of Development Services

**Staff Planner: Sean Williams**

**Decision mailed: January 31, 2020**

**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 (APRIL 30, 2020), 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 September 26, 2019, and was determined to be complete on October 3, 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 September 26, 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 requested that the 120-day review period be extended, as stated with Exhibit A.5. Unless further extended by the applicant, **the 120 days will expire on: February 14, 2020.**

**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](http://www.portlandonline.com).

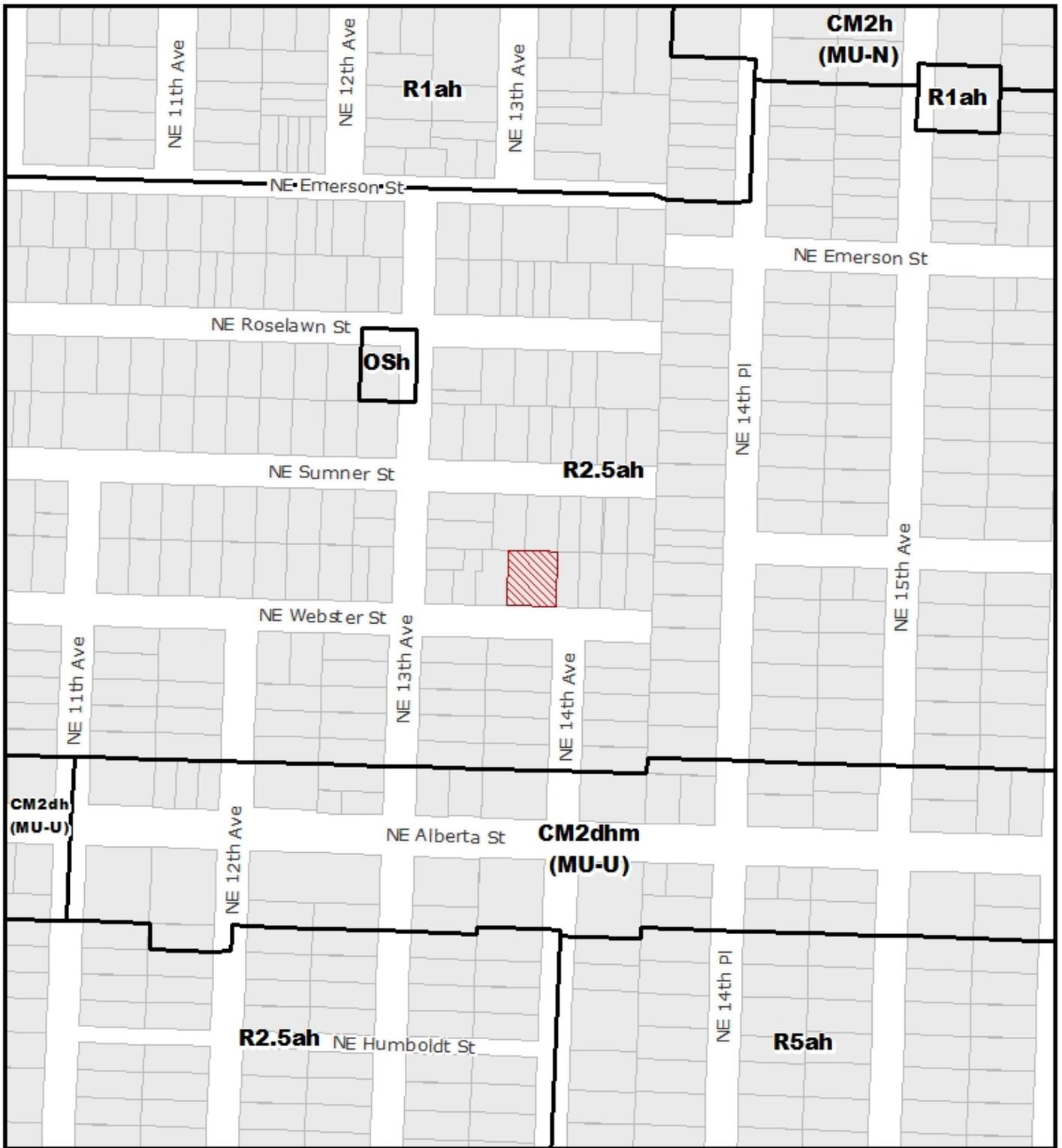
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Deed
  - 3. Title Report
  - 4. Original Plat
  - 5. Request for Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Approved Plat (attached)
  - 2. Existing Conditions Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services (w/ Addendum)
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Life Safety Plans Examiner
  - 5. Fire Bureau; Site Development Review Section of BDS
- 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

File No.	LU 19 - 232932 LC
1/4 Section	2531
Scale	1 inch = 200 feet
State ID	1N1E23BA 17600
Exhibit	B Oct 01, 2019



