



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

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Date: May 8, 2020
To: Interested Person
From: Lois Jennings, City Planner/Land Use Services
503-823-2877 or lois.jennings@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 20-110119 LC

GENERAL INFORMATION

Applicant: Kevin Partain
Urban Visions
223 NE 56th Ave
Portland OR 97213
Phone# 503-421-2967 or kevinp@gorge.net

Owners: Harry Schumacher
Schumacher Custom Homes Inc.
P.O. Box 66207
Portland, OR 97290

Geoff Schumacher
Schumacher Northwest Inc.
P.O. Box 66207
Portland, OR 97290

Site Address: 4435 SE Nehalem Street

Legal Description: East 5-ft. of Lot 17, Lot 18, 19 and 20, Block 6, Stanford Heights
Tax Account No.: R790001260
Property ID No.: R274883
State ID No.: 1S2E19CB 17600
Quarter Section: 3835

Neighborhood: Woodstock, contact at Sage Jensen at sage.wna@gmail.com.
Business District: Woodstock Community Business Association, contact at <http://www.woodstockbiz.com>
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313

Zoning: R5-Single-Family Residential (5,000)
Plan District: None

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, Lot 19, and Lot 20, Block 6 of Stanford Heights, into one parcel. The lot consolidation is in preparation for a future property line adjustment, 20-117333 PR, with abutting Lot 18, under the same ownership. 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 an interior lot on the north side SE Nehalem Street. A single-story ranch style house previously existed on the property and was permitted to be removed under a demolition permit #20-114223 RS. The surrounding area is primarily developed with single-dwelling development of one and two-stories. Errol Heights Park is the nearest park approximately 500-ft. to the southeast of this site. Tri-Met provides transit service adjacent to this site on SE 45th Avenue via Bus line #75. The closest commercial development is along SE Woodstock Boulevard less than ½ a mile north of the site or south of the site at the intersection of SE 45th Place & SE Harney.

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.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on February 20, 2020.

1. **Agency Review:** Several Bureaus and agencies have responded to this proposal. The following Bureaus have responded with no issues or concerns about the proposal (See Exhibit E for details):
 - Bureau of Environmental Services
 - Portland Bureau of Transportation
 - Water Bureau
 - Fire Bureau
 - Site Development Section of Bureau of Development Service
 - Life Safety Section of BDS
2. **Neighborhood Review:** No formal written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. A neighbor did inquire about the Lot Consolidation Review via the zoning hotline. The neighbor's concern was about the existing property line boundaries shown on the Tax Assessor Map and the survey of the property line adjustment application (20-117333 PR) under review, in association to an existing fence. City staff informed the neighbor that encroachments and disputes over property line boundaries are a civil issue between two property owners.

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 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 lots 19 & 20, identified as Parcel 1, must meet the standards in Chapter 33.610 or one of the noted exceptions, above. 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	4,999 square feet
Maximum Lot Area	8,500 square feet	
Minimum Lot Width*	36 feet	50 feet
Minimum Front Lot Line	30 feet	50 feet
Minimum Lot Depth	50 feet	99.98 feet

* Width is measured at the minimum front building setback line

As noted herein, the proposed consolidated lot meets the standards of Chapter 33.610. 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.

The site consists of the East 5-ft. of Lot 17 and Lot 18, Lot 19 and Lot 20, Block 6 of Stanford Heights Subdivision. Lots 19 and 20, Block 6 of Stanford Heights Subdivision are being consolidated into one parcel. This lot consolidation will reestablish a lot line between Lot 18 and the new consolidated parcel. Lot 18 meets the minimum requirement for a primary structure under 33.110.212 because it has not had a dwelling unit on it within the last five years and is not in an environmental zone. The East 5-ft of Lot 17 is a remnant and

is not a buildable on its own but can be combined with Lot 18 to develop a single-family residence.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this lot consolidation proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

CONCLUSIONS

The applicant proposes to consolidate historic Lots 19 & 20 of Block 6 of Stanford Heights into one parcel. No City Service 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 from historic lots 19 and 20, Block 6 of Stanford Heights, as illustrated by Exhibit C.1.

Decision rendered by:  on May 3, 2020.
By authority of the Director of the Bureau of Development Services

Decision mailed May 8, 2020

Staff Planner: Lois Jennings

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 (August 6, 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 January 27, 2020 and was determined to be complete on February 18, 2020.

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 January 27, 2020.

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 by 60-days, as stated with Exhibit A.10. This extension will end on August 16, 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.

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

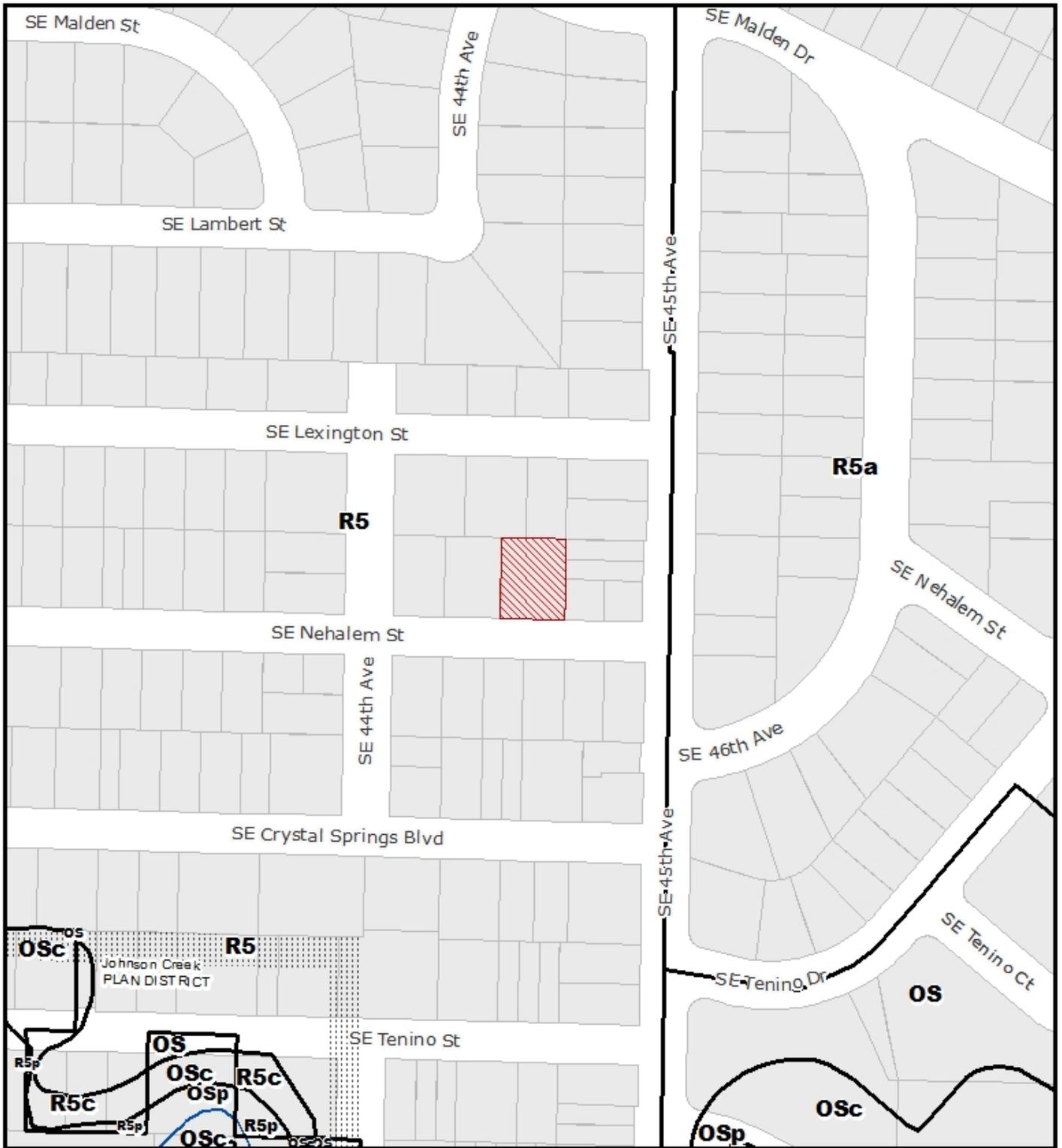
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Warrant Deed
 - 2. Chicago Title Report
 - 3. Copy of Stanford Heights subdivision plat
 - 4. Deed dated August 22, 1977
 - 5. Tax Assessors Map
 - 6. Lot Consolidation Survey
 - 7. Existing Conditions Survey
 - 8. Narrative Addressing Approval Criteria
 - 9. March submitted Lot Consolidation Survey
 - 10. Request for an Extension to the 120-day state timeline
 - 11. Updated Existing Conditions Supplemental Survey
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Lot Consolidation Plat (attached)
- 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
 - a. April 16, 2020 Amended Life Safety Response
- F. Correspondence:
 - 1. Karen Butler-Kennedy -via e-mail
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. March 9, 2020 memo to applicant
 - 4. April 14, 2020 memo to applicant
 - 5. E-mail communications with applicant from February until April 2020.

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  NORTH

 Site
 Stream

File No.	LU 20 - 110119 LC
1/4 Section	3835
Scale	1 inch = 163 feet
State ID	1S2E19CB 17600
Exhibit	B Jan 29, 2020

