



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** 5/22/2020  
**To:** Interested Person  
**From:** Timothy Novak, Land Use Services  
503-823-5395 / [Timothy.Novak@portlandoregon.gov](mailto:Timothy.Novak@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 19-235405 LC**

#### **GENERAL INFORMATION**

**Applicant:** Michael Manwell | Michael Manwell Land Surveying, LLC  
2847 SE 18th Circle  
Gresham, OR 97080  
(503) 830-8593 | [mmanpls@aol.com](mailto:mmanpls@aol.com)

**Owner's Agent:** Damir Karin *for DK Homes, LLC*  
PO Box 90277  
Portland, OR 97290

**Owners:** Juanita and Alfred Gregory  
8171 N Haven Ave  
Portland, OR 97203

**Site Address:** 8171 N HAVEN AVE

**Legal Description:** BLOCK 11 LOT 17-20, PORTSMOUTH VILLA EXTD  
**Tax Account No.:** R670706800  
**State ID No.:** 1N1E08CB 00100  
**Quarter Section:** 2225

**Neighborhood:** Portsmouth, contact Shawn Postera at [pnalandusechair@gmail.com](mailto:pnalandusechair@gmail.com)  
**Business District:** University Park Business District, contact at <https://www.facebook.com/UPBizDist/>  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.  
**Plan District:** None  
**Zoning:** Single-Dwelling Residential 5,000 (R5)  
**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 18 and 19 of Portsmouth Villa Extended, Block 11 into one parcel. The lot consolidation is in preparation for two future Property Line Adjustments (reviewed under PR 19-235417 PLA and PR 20-111477 PLA) with the abutting Lots 17 and 20, both of which are part of the site and under the same ownership. The property line adjustments are not part of this review. The property line adjustments will result in the widening of the two additional developable lots, one that will have street frontage on N Haven Ave only and one that will be on the corner of N Haven Ave and N Willis Blvd; the existing house will remain in the middle lot.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are stated in Zoning Code section **33.675.300**, Lot Consolidation Standards.

**ANALYSIS**

**Site and Vicinity:** The subject site is on the corner of N Willis Blvd and N Haven Ave in the Portsmouth neighborhood. It is across the street from Cesar Chavez Public Elementary School, which is on the north side of N Willis Blvd. The vicinity has a relatively flat topography; there are no significant natural or hydrological features nearby. Development in the vicinity, other than the elementary school, is single-dwelling residential. The nearest commercial street, N Lombard St, is about 1,000 feet to the south/southwest.

**Zoning:** The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a maximum density of 1 lot per 5,000 square feet of site area.

**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 31, 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 R5 zone, so the consolidated lots (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):

	<b>R5 Zone Requirement</b>	<b>Parcel 1 (after consolidation)</b>
Minimum Lot Area	3,000 square feet	5,000 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	100 feet

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

Maximum density in the R5 zone is one unit per 5,000 square feet. The consolidated parcel will be in conformance with the maximum density requirement. The existing lots have street frontage and are not through lots; all lots are in one base zone.

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 provided responses indicating that they have no objections or concerns with this lot consolidation proposal (See E Exhibits), 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 requirements of Title 11 can be met, and 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 Lots 17, 18, 19, and 20 of Block 11 of Portsmouth Villa Extended. Lots 18 and 19, of Block 11 of Portsmouth Villa Extended are being consolidated into one parcel. This lot consolidation will reestablish a lot line between Lot 17 and the new consolidated parcel and between Lot 20 and the new consolidated parcel. Both Lots 17 and 20 meet the minimum requirements for a primary structure under 33.110.212 because neither has had

a dwelling unit on it within the last 5 years, they are not in an environmental zone, are at least 25 feet wide, and are at least 2,400 square feet in area.

On-Site Parking: The existing house will lose vehicle access to the street as a result of the de-facto lot confirmation of Lot 17. To remedy this situation and retain on-site parking for the house, the applicant has provided a notarized and recorded covenant to record future access easement and maintenance agreement (Exhibit G.7). The document addresses the configuration of the lots after the submitted property line adjustment between the consolidated parcel and Lot 17, mentioned above, is completed. As a result, to ensure the validity of the covenant and conformance with the applicable standards of 33.266.120, a condition of approval will require that the property line adjustment be recorded prior to issuance of building permits for Lot 17.

## CONCLUSIONS

The applicant proposes to consolidate historic Lots 18 and 19 of Block 11 of Portsmouth Villa Extended into one parcel. No City Bureaus raised objection to the proposal.

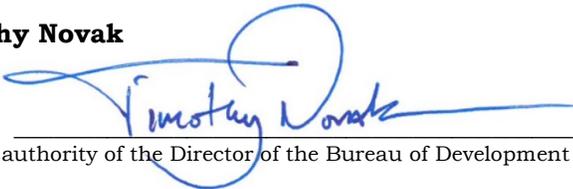
As discussed above, the requested lot consolidation has been reviewed and shown to be able to meet all the requirements for lot consolidations as laid out in Section 33.675.300.

## ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel of historic Lots 18 and 19 of Block 11 of Portsmouth Villa Extended into one parcel, as illustrated by Exhibit C.1, subject to the following condition:

1. In order to comply with 33.266.120 and PBOT requirements, prior to issuance of building permits for Lot 17, case file # PR 19-235417 PLA (property line adjustment), must be approved and recorded.

**Staff Planner: Timothy Novak**

**Decision rendered by:**  **on 5/20/2020**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) 5/22/2020**

**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 (by August 20, 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 October 2, 2019, and was determined to be complete on October 25, 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 October 2, 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 an additional 210 days. Unless further extended by the applicant, **the 120 days will expire on: September 19, 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.

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>.

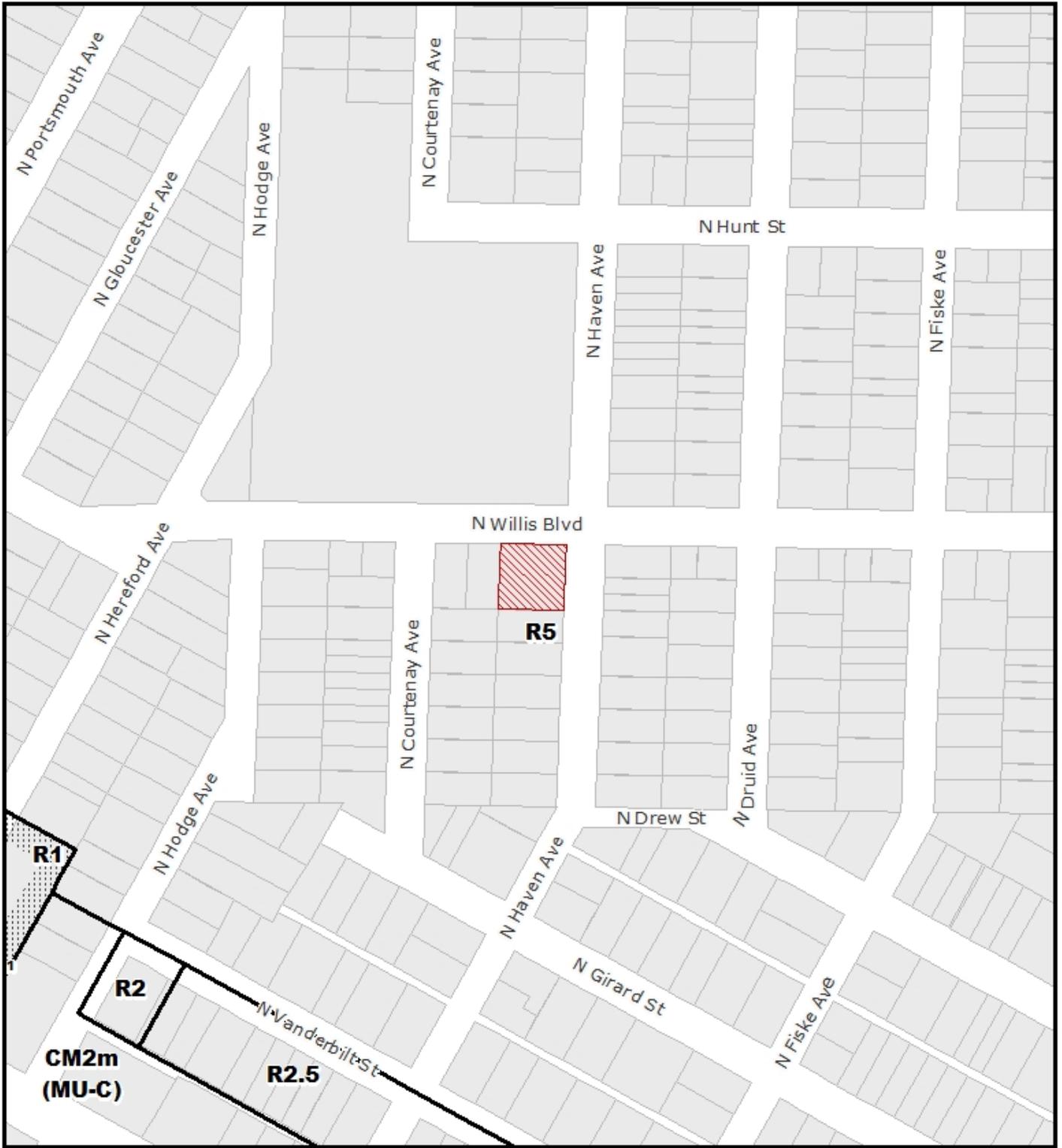
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant's Narrative
  - 2. Supplemental Survey
  - 3. Original Lot Consolidation Plat with notes for correction from PBOT and LUS
- 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. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Review Section of BDS
- F. Correspondence: NONE
- G. Other:
  - 1. Original LU Application
  - 2. Deed, Title Report, Power of Attorney
  - 3. Copy of original subdivision plat
  - 4. Incomplete Letter
  - 5. Updated application and articles of incorporation for new owner
  - 6. Requests for Extensions to 120-day Review Period
  - 7. Recorded Declaration of Private Access Maintenance Agreement and Covenant to Convey Future Easement

**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 - 235405
1/4 Section	2225
Scale	1 inch = 200 feet
State ID	1N1E08CB 100
Exhibit	B Oct 04, 2019



SURVEYOR'S CERTIFICATE:

I, MICHAEL L. MANWELL, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LOTS REPRESENTED ON THE ATTACHED PLAT. THE LOTS REPRESENTED ON THE ATTACHED PLAT ARE: BLOCK 11, "SPORTSMOUTH WILDA EXTENDED" WILDA EXTENDED, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE SOUTH WEST QUARTER OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILMAMETTE COUNTY, OREGON. THE LOTS REPRESENTED ON THE ATTACHED PLAT ARE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROUND 5/8 INCH DIAMETER IRON ROD AT THE SOUTHEAST CORNER OF LOT 20, SAID BLOCK 11, "SPORTSMOUTH WILDA EXTENDED", THENCE N60°45'00"E ALONG THE EAST LINE OF SAID LOT 20 AND THE WEST RIGHT-OF-WAY LINE OF SAID AVENUE (GOOD FOR WIDTH), A DISTANCE OF 25.00 FEET TO THE INITIAL POINT OF BEGINNING; THENCE S89°19'39"W ALONG THE WEST LINE OF SAID LOT 19, THENCE S89°19'39"W ALONG THE SOUTH LINE OF SAID LOT 19, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 18, THENCE N89°19'39"W ALONG THE WEST LINE OF SAID LOT 18, THENCE S89°19'39"W ALONG THE WEST LINE OF SAID LOT 18 AND THE WEST RIGHT-OF-WAY LINE OF SAID AVENUE, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID LOT 18 AND 19 AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE INITIAL POINT, CONTAINS 4,999 SQUARE FEET.

DECLARATION:

I, KNOW ALL PEOPLE BY THESE PRESENTS THAT DK HOMES, LLC, AN OREGON LIMITED LIABILITY COMPANY, THE OWNER OF THE LAND REPRESENTED ON THE ANNEKED MAP AND MORE PARTICULARLY THE PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92, MULTNOMAH COUNTY PLAT RECORDS, HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVENUE STATUTES.

BY: [Signature]  
DAIR KAHN, MANAGING MEMBER  
DK HOMES, LLC

ACKNOWLEDGMENT:  
STATE OF OREGON }  
COUNTY OF MULTNOMAH } SS  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
May 9<sup>th</sup> 2020 BY DAIR KAHN  
MANAGING MEMBER OF DK HOMES, LLC

[Signature]  
NOTARY SIGNATURE  
Michael Joseph Scott  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 94855982  
MY COMMISSION EXPIRES: June 15, 2021

NOTES AND PLAT RESTRICTIONS

- 1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND LOT CONSOLIDATION FILE NO. LO 19-25903 LC.



PARTITION PLAT NO. \_\_\_\_\_

BLOCK 11, "SPORTSMOUTH WILDA EXTENDED" WILDA EXTENDED, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE SW 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILMAMETTE COUNTY, OREGON. FILED FOR RECORD FEBRUARY 12, 2020

APPROVALS:

APPROVED THIS 20<sup>th</sup> DAY OF May 20

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

APPROVED THIS 18<sup>th</sup> DAY OF MAY 20

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
COUNTY SURVEYOR, MULTNOMAH COUNTY, OREGON

BY: \_\_\_\_\_  
ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.093 HAVE BEEN PAID AS OF \_\_\_\_\_, 20 \_\_\_\_  
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 ON \_\_\_\_\_, 20 \_\_\_\_  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
AS PARTITION PLAT NO. \_\_\_\_\_  
COUNTY RECORDING OFFICE

DEPUTY  
DOCUMENT NO. \_\_\_\_\_

Michael Manwell  
Land Surveying, LLC  
2842 SE 18TH STREET  
GRESHAM, OREGON 97080  
(503) 661-5270