



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

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Date: July 29, 2020
To: Interested Person
From: Clare Fuchs, Land Use Services
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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 19-203505 LC

GENERAL INFORMATION

Representative: Jocosa Bottemiller, Statewide Land Surveying, Inc
43 NW Ava Avenue Gresham OR 97030
503-665-7777 jocosa@statewidesurveying.com

Owner: Ruthe Farmer, 980 Homer Circle, Lafayette, CO 80023-2760
303-720-1913 rfarmer@gmail.com

Applicant: Peter Zenczak, Z Design Build PO Box 33761, Portland, OR 97292
503-896-3544 zdesignbuild@live.com

Site Address: 11405 SW 49TH AVENUE

Legal Description: BLOCK 63 LOT 19-22, WEST PORTLAND PARK
Tax Account No.: R894612340
State ID No.: 1S1E31AD 06000
Quarter Section: 4124

Neighborhood: Far Southwest, contact at contact@farswpx.org.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Zoning: R2.5 (Single Dwelling, 2,500 square feet)
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, Block 63, of the West Portland Park Subdivision into one parcel. The Lot Consolidation is in preparation for a pending Property Line Adjustment (19-188694-PR) and a pending Lot Confirmation and Property Line Adjustment (19-188701-PR). 19-188694-PR will move the north lot line of the newly consolidated parcel south 14-feet. 19-188701-PR will confirm the abutting historic lot line between Lots 19 and 20 (under the same ownership) and rotate that lot line 90 degrees. This will establish two more developable lots. The Lot Confirmation and Property Line Adjustments are 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 neighborhood is primarily single detached dwellings, on 5,000 square foot lots. Sylvania Park is approximately 915 feet to the west and Loll Wildwood Natural Area is approximately a quarter mile to the east. Portland Community College, Sylvania Campus is approximately 645 feet to the southwest. The R2.5 zone runs along the SW 49th Avenue corridor, most of the other properties in the vicinity are in the R5 zone, which generally allows 5,000 square foot lots. The house on the site was recently demolished and the site is currently vacant.

Zoning: Residential 2,500 – The R2.5 zone is intended to foster single-dwelling residences. The minimum density for new lots in this zone is 1 unit per 5,000 square feet based on 80% of the site area and the maximum density is 1 unit per 2,500 square feet. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with a minimum lot width of 36 feet, minimum front lot line of 30 feet and minimum depth of 40 feet.

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 15, 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, so the consolidated lot (Parcel 1) must meet the standards in Chapter 33.611 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.

	R2.5 Zone Requirement	Parcel 1 (after consolidation)
Minimum Lot Area	1,600 square feet	4,984 square feet
Maximum Lot Area	None	
Minimum Lot Width*	36 feet	50 feet
Minimum Front Lot Line	30 feet	50 feet
Minimum Lot Depth	40 feet	99.65 feet

* Width is measured at the minimum front building setback line

The maximum density for the overall xx square foot site is 4 lots and minimum density is 1 lot. This proposal will create 1 new parcel, leaving 2 historic lots (Lots 19 and 20) north of the consolidated parcel. Therefore, there will be 3 lots after the lot consolidation. The density standards are met.

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 no concerns with this lot consolidation proposal (See Service Bureau comments under Exhibit E). Therefore, this standard 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 Lots 19, 20, 21, and 22, Block 63 of the West Portland Park Subdivision. Lots 21 and 22, Block 63 of the West Portland Park Subdivision are being consolidated into one parcel. This lot consolidation will reestablish a lot line between Lot 20 and the new consolidated parcel. This will establish the combination of Lots 19 and 20 as a separate tax lot. The combination of Lots 19 and 20 meets the minimum requirement for a primary

structure under 33.110.212 because it is larger than 1,600 square feet. Note that another application proposes to confirm the lot line between Lots 19 and 20 (PR xx).

The site is currently vacant and therefore no development standards are affected by this lot consolidation proposal. At the time of development on the lots, the property will need to meet the Zoning Code.

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

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

CONCLUSIONS

The applicant proposes to consolidate historic Lots 21 & 22 of Block 63 of West Portland Park 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 1 parcel of historic lots 21 & 22 of Block 63, West Portland Park, as illustrated by Exhibit C1.

Staff Planner: Clare L. Fuchs

Decision rendered by:  **on July 27, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed July 29, 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 (October 27, 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.

About this Decision. This land use decision is **not a permit** for development. 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 August 2, 2019, and was determined to be complete on October 9, 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 August 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. The applicant waived the 120-day review period, as stated with Exhibit G3. **The 120 days will expire on: October 8, 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.

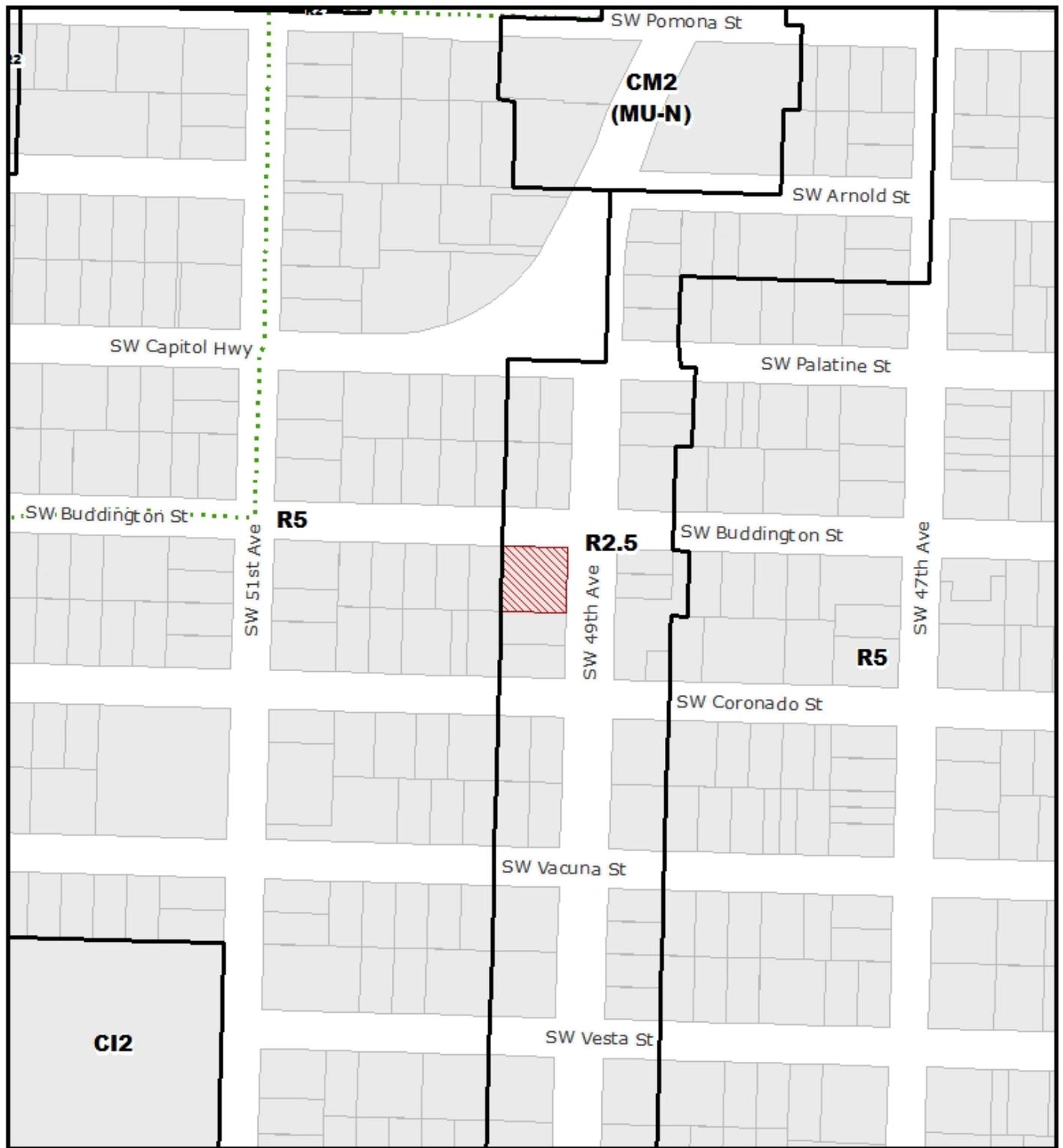
If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available 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>.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Lot Consolidation Narrative
 - 2. General Narrative
 - 3. Revised General Narrative
 - 4. Title Report
 - 5. Original Subdivision Plat
 - 6. Sewer Maintenance Agreement and Covenant
 - 7. Survey
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Consolidation Plat, 8.5 x 11 and full size, mylars (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. Bureau of Parks, Forestry Division
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. First Incomplete Letter
 - 3. 120 Day Extension Form

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
 Recreational Trails

File No.	LU 19-203505 LC
1/4 Section	4124
Scale	1 inch = 200 feet
State ID	1S1E31AD 6000
Exhibit	B Aug 06, 2019

