



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

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**Date:** August 6, 2020  
**To:** Interested Person  
**From:** Clare Fuchs, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved 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 19-224590 LC (& LOT VALIDATION)**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain, Urban Visions  
223 NE 56th Avenue Portland, OR 97213  
**503-421-2967 kevinp@gorge.net**

**Owner:** Renaissance Custom Homes LLC  
16771 Boones Ferry Rd  
Lake Oswego, OR 97035-4383

**Site Address:** 4911 SE 33RD AVE

**Legal Description:** BLOCK 2 LOT 8 EXC N 2' & EXC PT IN ST LOT 9-13 EXC PT IN ST, LOT 14 EXC PT IN STS, NORWALK HTS

**Quarter Section:** 3533

**Tax Account No.:** R618100470

**State ID No.:** 1S1E13BA 11200

**Neighborhood:** Reed, contact Alan Balderson at [abalders@gmail.com](mailto:abalders@gmail.com).  
**Business District:** Greater Brooklyn, contact at [greaterbrooklynba@gmail.com](mailto:greaterbrooklynba@gmail.com)  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010 x313

**Zoning:** Single Dwelling Residential 7,000 (R7)  
**Case Type:** Lot Consolidation (LC) and Lot Validation (no assigned abbreviation)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicant requests a **Lot Validation**, in order to establish Parcel 1 as legal lot. The previous owners sold 2-feet of their property in September, 1979 to the owner to the north, therefore the boundaries had been changed without the required city process, so the reconfigured property is not recognized as a *legal lot* or *lot of record*. Oregon Revised Statutes (ORS 92.176) provides a pathway to remedy the unlawful modification that occurred prior to January 1, 2007, and permits the validation

of a unit of land, if it could have complied with the criteria that was applicable when the unit of land was sold (the 1975-1979 Code).

The Lot Validation will be reviewed concurrently with the **Lot Consolidation** proposals, which are to consolidate historic Lots 8, 9, and 10, and then also consolidate historic Lots 11 and 12, of Block 2, the Norwalk Heights Subdivision into Parcel 1 and Parcel 2, respectively.

The Lot Validation and Lot Consolidations are in preparation for the pending Lot Confirmation and Property Line Adjustments that will create 4 buildable lots on the overall site. The Lot Confirmation and Property Line Adjustments are not a part of this review.

**RELEVANT APPROVAL CRITERIA:** In order to be approved, the Lot Validation proposal must comply with the following approval criteria:

- **Oregon Revised Statutes (ORS) 92.176:** Validation of unit of land not lawfully established;
- **City of Portland-Title 34:** Section 34.30.030, Approval Procedure; Chapter 34.50, Principals of Acceptability; Section 34.60.030 Design Standards for Lots and Parcels (Subdivision and Partitioning Regulations in effect in 1979);
- **City of Portland-Title 33:** Section 33.26.050, Lot Size Required (Lot Size Regulations in effect in 1979 for the R5 zone); and

**RELEVANT APPROVAL CRITERIA:**

In order to be approved, the Lot Consolidation proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: **Zoning Code Section 33.675.300, Lot Consolidation Approval Criteria.**

## ANALYSIS

**Site and Vicinity:** The area is dominated with single dwelling homes with apartments approximately 260 feet to the west. Most lots range in size from about 5,000 square feet to about 10,000 square feet. The R5 Zoning District is 180 feet to the north across SE Schiller Street. The site is flat and is currently vacant with the previous house being recently demolished. Both SE 33<sup>rd</sup> Avenue and SE Raymond Street are both Local Streets for all designations. The site is approximately 1,100 feet from Kenilworth Park and approximately 900 feet from Reed College.

**Zoning:** The property is currently within the Single Dwelling Residential 7,000 (R7) zone. Single dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. However, at the time this property line modification occurred via deed in 1979, the property was in the R5, Residential 5,000 zone. Therefore, this lot validation is subject to the R5 zone. However, the subsequent lot consolidations, lot confirmation, and property line adjustment will be subject to the R7 zone.

**Land Use History:** City records indicate there are no relevant prior land use reviews for this site.

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 13, 2020. No written comments were received from the neighborhood.

## LOT VALIDATION

### LOT VALIDATION

**ORS 92.176 Validation of unit of land not lawfully established.**

- (1) **A County or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:**
  - (a) **Is not a lawfully established unit of land; and**

**(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.**

**Findings:** Oregon Revised Statutes (ORS 92.176) provides a pathway to remedy the unlawful division of land that occurred prior to January 1, 2007, and permits the validation of a unit of land, if it could have complied with the criteria that was applicable when the unit of land was sold. The applicant provided information to show the property was sold in October 1, 1998, without the required city process, so the property is not recognized as lawfully established unit of land; and to be approved the unit of land must comply with the criteria that were applicable at that time, as addressed below:

**Title 34 Approval Criteria for a Minor Partition for the City of Portland in 1979**

**34.50.010 Conformance with plans.** A land division, whether by subdivision or partitioning shall conform to the comprehensive plan, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the Principles of Acceptability and the Design Standards established in this title. Where such is not shown in adopted or preliminary plans the arrangement of streets shall either:

(A) Provide for the continuation or appropriate projection of existing arterial or collector streets in surrounding area, or

(B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topography or other conditions make continuance or conformance to existing street impracticable.

**Findings:** This staff report will show that at the time the property was sold it could have met the zoning code and comprehensive plan in place at the time. No arterial or collector streets were affected. This criterion is met.

**34.50.020. Future extensions of streets.** Where a subdivision or partition adjoins unsubdivided land, streets, which should be continued in the event of the division of the adjoining land, will be required to be provided to the boundary lines of the tract. Reserve strips or street plugs may be required to preserve the objectives of street extensions.

**Findings:** The property in question does not adjoin unsubdivided land where a street is needed. This criterion does not apply.

**34.50.030. Reserve Strips.** Reserve strips or street plugs controlling access to street will be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Hearings Officer.

**Findings:** No reserve strips or street plugs are proposed. This criterion does not apply.

**34.50.040. Temporary Turn-arounds.** Temporary turn-arounds shall be provided on all streets that are intended to be continued, either within the tract or beyond, when such street serves more than four interior lots. In the case of a subdivision to be recorded and developed in stages according to a schedule approved as provided in Section 34.20.060, a temporary turn-around is not required on a street which is to be continued in a subsequent, scheduled stage, provided that an improvement agreement and bond is filed in accordance with Sections 34.40.010 and 34.40.020 assuring that such temporary turn-around shall be constructed should the subsequent stage not proceed according to the approved schedule.

**Findings:** No streets or turn-around are proposed or needed for this partition. This criterion does not apply.

**34.50.050 Frontage on arterial streets.** Wherever a subdivision or partition abuts on or contains an existing or proposed arterial streets, the Hearings Officer may require frontage streets, reversed frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**Findings:** The lot in question does not front onto an arterial street. This criterion does not apply.

**34.50.060. Half-streets.** Half streets are not acceptable except under unusual circumstances when they are clearly essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Hearings Officer finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such a tract. Reserve strips or street plugs may be required to preserve the objectives of half streets.

**Findings.** No dedications, or half streets are proposed or required with this project and the street grid surrounding the project is already fully intact. This criterion does not apply.

**34.50.080. Acreage tract subdivisions and partitions.** Where a tract of land is subdivided or partitioned into large lots or parcels, the Hearings Officer may require an arrangement of lots and streets such as to permit a future redivision into smaller lots or parcels in conformity with the requirements specified in these regulations. It may also require setback lines in order to preserve future rights-of-way.

**Findings.** This project does not include large lots or parcels. No future rights-of-way are needed as the surrounding street grid is already developed. This criterion does not apply.

**34.50.090. Land Suitability.** No land shall be subdivided or partitioned which is found unsuitable for its intended use by the Hearings Officer by reason of flooding, inadequate drainage, susceptibility to mud or earth slides, or any other reason harmful to health, safety or well-being of the future residents or property owners of the proposed subdivision or partition or of the community at large. However, the Hearings Officer may approve a subdivision plat or a partition map if the subdivider or partitioner improves, or as provided in Chapter 34.40 of this Title, agrees to improve the land consistent with the standards of this and other Titles of the City of Portland Code in order to make lots or parcels suitable for their intended uses. In determining the suitability of land for subdivision or partitioning, the Hearings Officer shall consider the objectives of this Title, including but not limited to the following:

- (A) The danger of life and property due to the increased flood heights or velocities caused by fills, roads, and intended land uses.
- (B) The danger that intended structures and improvements may be swept onto other lands or downstream to the injury of others.
- (C) The ability of water supply and sanitation systems to prevent disease, contamination and unsanitary conditions under flood conditions.
- (D) The susceptibility of proposed land uses to flood damage and the effect of such damage on the individual owner.
- (E) The importance of the services provided by the proposed land uses to the community.
- (F) The safety and access to the property for emergency vehicles in times of flood.
- (G) The costs of providing public services during and after flooding, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, street lighting, and street and bridges.

**Findings.** This property is not in the floodplain or landslide hazard maps. All the surrounding land uses are residential. Both Water and Sewer are available to the property as evidenced by the Water Bureau and Bureau of Environmental Services responses in the E Exhibits. No concerns were raised about disposal of stormwater from future development on the site. This criterion is met.

#### 34.60.040 Lots and Parcels.

(A) The size, width, shape and orientation of lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of Title 33 of the City of Portland Code with following exceptions:

- (1) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
- (2) The width of corner lots and parcels shall be at least five feet greater than the minimum prescribed by Title 33, of the City of Portland Code for the zone in which the property is located.

**Findings.** The lot in question has a shape and orientation that is appropriate for the location and residential development contemplated. It is nearly a perfect rectangle with full front lot line frontage onto the public street. The lot is much larger than the other lots in the neighborhood, but there is no maximum lot size limitation. This criterion is met.

(B) The side lines of a lot or parcel shall run at right angles to the street on which it faces as far as is practicable, or on curved streets shall be radial to the curve as far as practicable.

**Findings.** Both lots have both side lot lines that run at right angles to the street. This criterion is met.

(C) Double frontage lots and parcels shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

**Findings.** The lot is not a double frontage lot. This criterion is met.

(D) Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet except that a major partition may be approved in which a private street, no less than 10 feet width, provides the only reasonable access to the rear portion of an unusually deep lot or tract large enough to warrant partitioning into no more than two parcels.

**Findings.** The lot fronts onto a public street for the entirety of their front lot line for at least 50-feet. This criterion is met.

(E) Each lot or parcel shall contain a usable building site having an elevation at least one foot above the level of a predictable regional (100 year) flood as determined by the United States Corp of Army Engineers.

**Findings.** The lot has a usable building site and is not in the flood plain. This criterion is met.

#### 33.26.050 Lot Size Required.

- (a) The minimum lot area shall be five thousand square feet per dwelling unit.

**Findings.** As noted above, the site was zoned R5 at the time the property was sold. Therefore, the lot size requirements of the R5 zone at the time apply. The lot is approximately 17,300 square feet. This criterion is met.

(b) The minimum lot width shall be fifty feet.

**Findings.** The lot is 100 feet wide.

(c) The minimum lot depth shall be eighty feet.

**Findings.** The lot is 173 feet deep.

(d) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated in subsections (a), (b) and (c) unless approved as provided in Chapter 33.98.

**Findings.** The lot confirms to the width and depth standards, so this criterion does not apply.

(e) In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot comprises two or more platted lots in a previously approved and recorded subdivision or parcels in a previously approved and recorded major or minor partition, and unless each such platted lot or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

**Findings.** During the course of this application there was single dwelling on the lot. The house that was located at 4911 SE 33<sup>rd</sup> has since been demolished.

(f) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly section 33.98.020(b) or this title, the reference to 33.98.010 notwithstanding.

**Findings.** The lot is currently vacant. Any future lots will abut the public street.

(g) On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a single family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.

**Findings.** The lot in question meets subsection (a), (b), and (c) above so this criterion does not apply to this project.

## CONCLUSIONS FOR LOT VALIDATION

The applicant proposes to validate an approximately 7,195 unit of land, which is within the jurisdiction of the City of Portland and where 2-feet was sold to 4901 SE 33<sup>rd</sup> Avenue in September of 1979 by deed.

As discussed above, the Lot Validation has been reviewed per ORS 92.176, and the subject property has been shown to meet the required standards for the creation of a unit of land, as shown on Exhibit C2.

As such, the requested Lot Consolidation proposal can proceed and is discussed below.

## LOT CONSOLIDATION

### 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. However, this lot consolidation is being reviewed in conjunction with a lot validation. Lot Validations are a Type II procedure, therefore the combined land use actions are being reviewed as a Type II 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 R7 zone, so the consolidated lots 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 R7 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>	<b>Parcel 2 (after consolidation)</b>
Minimum Lot Area	4,200 square feet	7,195 square feet	4,925 square feet
Maximum Lot Area	12,000 square feet		
Minimum Lot Width*	40 feet	122.88 feet	49.88 feet
Minimum Front Lot Line	30 feet	122.88 feet	49.88. feet
Minimum Lot Depth	55 feet	98.77 feet	98.63 feet

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

The minimum and maximum density for the portion of the site subject to the lot consolidation is one unit. The consolidation will create 2 lots (with 2 existing platted lots also remaining). However, 33.675.300.A.2 allows lot consolidations to go over maximum density if the lot consolidation brings the lots on the site closer to conformance with maximum density. Since the lot consolidation currently has 5 lots, and the consolidation will result in 2 lots, 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.

**CONCLUSIONS FOR LOT CONSOLIDATION**

The applicant proposes to consolidate historic Lots 9, 10, and Adjusted Lot 8 of Block 2 of Norwalk Heights into Parcel 1 and to consolidate Lots 11 and 12 of Block 2 of Norwalk Heights into Parcel 1. No City Bureaus raised objections 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. Therefore, the lot consolidations should be approved.

**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 8 through 14, Block 2, of Norwalk Heights Subdivision. Lots 9, 10, and Adjusted Lot 8, are being consolidated into Parcel 1. Lots 11 and 12 are being consolidated into Parcel 2.

This lot consolidation will reestablish a lot line between proposed Parcel 2 and the combination of Lot 13 and Lot 14 to the south. The combination of Lots 13 and 14 meets the minimum requirement for a primary structure under 33.110.212 because it is at least 36 feet wide and meets Table 610-2.

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.

**ADMINISTRATIVE DECISION**

Approval of a validation of a unit of land per ORS 92.176, as illustrated by Exhibit C1 and C2.

Approval of a Lot Consolidation to consolidate historic Lots 9, 10, and Adjusted Lot 8 of Block 2 of Norwalk Heights into Parcel 1 and to consolidate Lots 11 and 12 of Block 2 of Norwalk Heights into Parcel 2 as illustrated by Exhibit C2.

**Staff Planner: Clare L. Fuchs**

**Decision rendered by:** \_\_\_\_\_ **on August 3, 2020**

By authority of the Director of the Bureau of Development Services



**Decision mailed: August 6, 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 EFFECTIVE DATE OF THIS DECISION, 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.

ORS 92-176 states that to approve a validation of a unit of land it must be reviewed against the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. Therefore, this application was reviewed against the Zoning Code in effect on September 6, 1979.

**Procedural Information.** The application for this land use review was submitted on November 12, 2019, and was determined to be complete on April 21, 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 November 12, 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 extended the timeline by 30-days. Unless further extended by the applicant, **the 120 days will expire on September 18, 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.

**Appealing this decision.** This decision may be appealed, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on August 20, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either

the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

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>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the %Appeal Body% an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

For further information on recording, please call the County Recorder at 503-988-3034.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

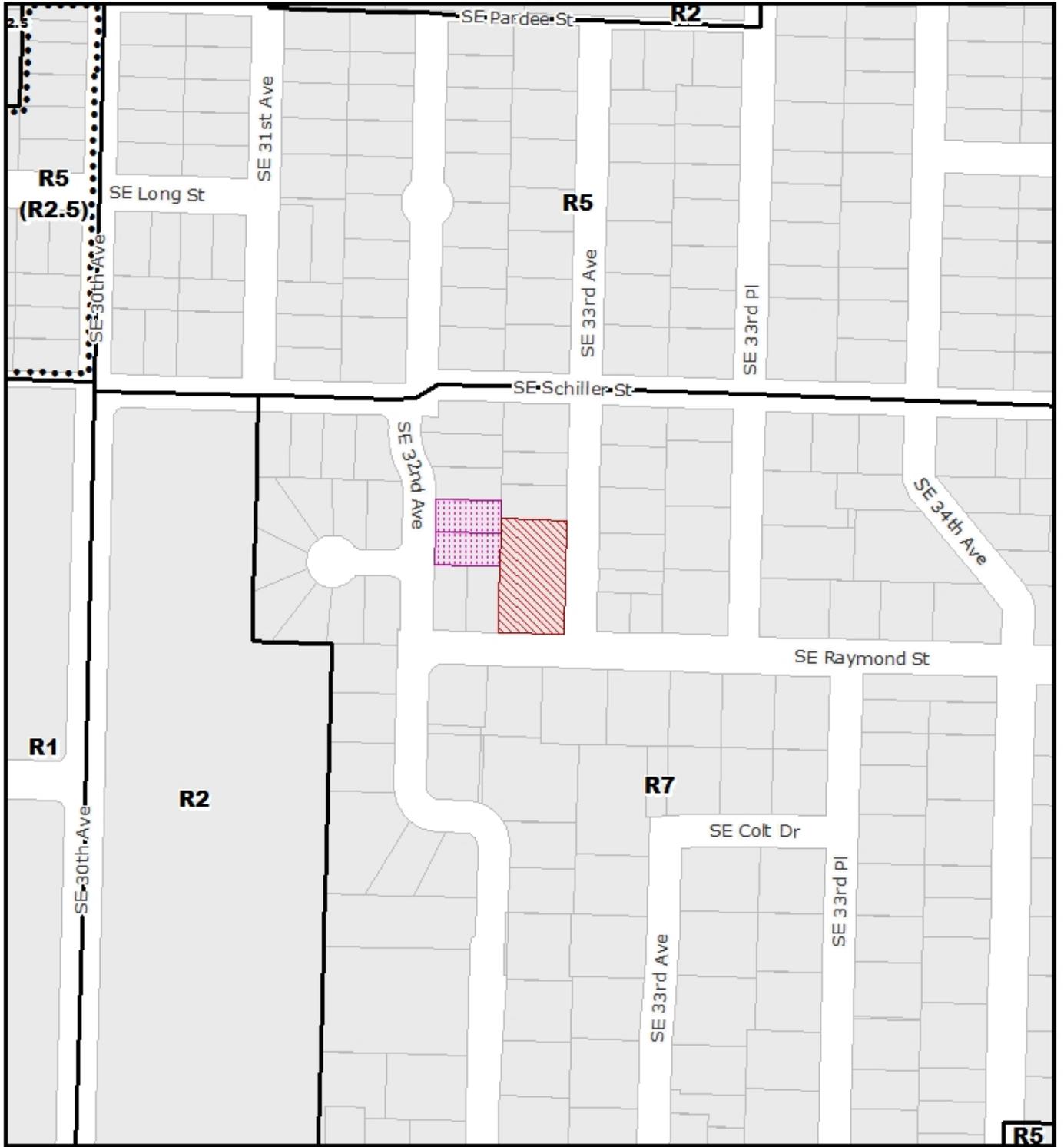
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
1. Narrative
  2. Property Owner Operating Agreement
  3. Incomplete Response Memo
  4. Deed History

- 5. Existing Conditions Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Tax Map showing historical lots
  - 2. 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
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Notice of Incomplete Application
  - 3. 120 Day Extension

**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



-  Site
-  Also Owned Parcels

File No.	LU 19 - 224590 LC
1/4 Section	3533
Scale	1 inch = 200 feet
State ID	1S1E13BA 11200
Exhibit	B Sep 12, 2019

# PARTITION PLAT NO.

A REPLAT OF PORTIONS OF LOTS 8, 9, 10, 11 AND 12, BLOCK 2, "NORWALK HEIGHTS" LOCATED IN THE N.W. 1/4 SECTION 13, T.1S., R.1E., W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON JULY 8, 2020 SHEET 1 OF 2

- LEGEND:**
- SET 5/8" x 3/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON JULY 8, 2020
  - SET 5/8" x 3/8" IRON ROD W/ RED PLASTIC CAP ON DECEMBER 31, 2021
  - △ FOUND AND USED 1 1/2" COPPER DISC MARKED "OLDEN LS 60277" FROM 54
  - FOUND MONUMENT AS NOTED
  - FOUND 5/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" FROM 54 UNLESS OTHERWISE NOTED
  - (A) = RECORD DISTANCES & BEARINGS TO MONUMENTS
  - FD = FOUND
  - R/W = YELLOW PLASTIC CAP
  - OU = ORIGIN UNKNOWN
  - 7SP = 88V1 RED SIGN POINT
  - 4MP = 4" WOOD FENCE
  - DOC = DOCUMENT NO. USED DOCUMENT NUMBER
  - SN = MULTNOMAH COUNTY DEED RECORDS, MULTNOMAH COUNTY SURVEYOR'S OFFICE
  - S1 = SN 44791
  - S2 = SN 67015
  - S3 = SN 64036
  - S4 = SN 67015
  - S5 = SN 67015
  - S6 = SN 67015
  - S7 = SN 67015
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  - S100 = SN 67015



SIGNED ON: 10.13.20  
 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 TONY G. BUDEN  
 60371LS

RENEWED: DECEMBER 31, 2021  
 I HEREBY CERTIFY THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PARTITION PLAT

**CENTERLINE CONCEPTS**  
 LAND SURVEYING, INC.  
 19376 McLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189  
 PLOTTED: \\PROJECTS\REMASSANCE-3390\_AVE-SE-4811.DWG\PART-C30.dwg

