



### City of Portland, Oregon

### **Bureau of Development Services**

### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** June 4, 2014

**To:** Interested Person

**From:** Lois Jennings, Land Use Services

503-823-2877

### 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 reasons for the decision are included in the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 14-117038 LC

### GENERAL INFORMATION

**Applicant/Owner:** Sherri Kennedy for MAJ Columbia Blvd At 60th LLC

300 W. 15th Street, Suite 200 / Vancouver, WA 98660

**Representative:** Ryan Schera of Group Mackenzie

1515 SE Water Ave, Suite 100 / Portland, OR 97214

Site Address: 6020 NE 60TH AVE

**Legal Description:** Tax Lot 50 & Tax Lot 209 of Township 1 North, Range 2 East, Section

18

**Tax Account No.:** R942180500, R942182090 **Property ID#:** R317431 and R317526

**State ID No.:** 1N2E18DA 00700, 1N2E18DA 00600

Quarter Section: 2436

**Neighborhood:** Cully, contact David Sweet at 503-493-9493.

**Business District:** Columbia Corridor Association, Peter Livingston at 503-796-2892. **District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156. **Zoning:** IG2- General Industrial 2 with a "h"-Aircraft Landing Zone overlay

**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 these two historic parcels (Tax Lot 50 and Tax Lot 209) into one parcel through a lot consolidation process. This lot consolidation if approved will consolidate these two properties into one parcel.

### 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 Standards**.

### **ANALYSIS**

**Site and Vicinity:** The site is currently being developed with a drive-through coffee business. The property abuts N.E. 60<sup>th</sup> Avenue and N.E. Columbia Boulevard and Union Pacific Railroad line tracks. At this location N.E. Columbia Boulevard is classified as a Major City Traffic Street, Community Transit Street, City Walkway, Priority Truck Street within a Freight District and Major Emergency Response Street. The site is fully improved with a 6-foot wide sidewalk. Northeast 60<sup>th</sup> Avenue is an improved with sidewalks and curbs and is classified as a Neighborhood Collector, Major Truck Street in a Freight District, Major Emergency Response Street and Local Service Street for all other modes.

The site is on the corner of N. Princeton Street and N. Hodge Avenue and is developed with a single family home. Both streets are classified as local service streets which are improved with sidewalks and curbs. The surrounding neighborhood is primarily modest 1-1½ story homes on lots ranging from 2,500 to 11,000 square feet in area. Portsmouth Park is north of the site.

The surrounding neighborhood is a mix of warehouse and distribution, heavy truck and industrial equipment businesses and other industrial uses. Lots sizes vary in size within this neighborhood from 6,637 sq. ft. to 10 Acres or more.

**Zoning:** The site is within the IG2 zone and within the "h"-Aircraft landing zone overlay. The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. The "h" overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport.

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

**Agency Review:** Several Bureaus have responded to this proposal and have no objections to this proposal. Please see Exhibits "E" for details.

**Neighborhood:** A Notice of Proposal in your Neighborhood was mailed on March 18, 2014. 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 create one lot. The regulations ensure that 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 the county to consolidate lots under one tax account. A tax 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 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.

Approval Standards for a Lot Consolidation 33.675.300 Standards A lot consolidation must meet the following standards:

- 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is exempt from minimum lot depth requirements.

**Findings:** The proposed site is in the IG2 zone. Approval standards 1.a through 1.e are related to the required lot dimensions and creation of a consolidated parcel that will either meet the lot dimension standards of the zone or meet the listed exceptions. The proposed consolidated lot meets the lot dimension standards of the IG2 zone as shown in the following table (this information is found in Table 615-1 of the Zoning Code):

	IG2 Standard B Requirement	Lot 1 (after consolidation)
Minimum Lot Area	10,000 square feet	15,496 square feet
Minimum Dimension		
	75 ft. x 75 ft.	Dimension:
		92 ft. x 166 ft
Minimum Front Lot	35 ft.	92 ft.
Line		

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;

**Findings:** Density is not applicable for this site, since the site is within an Industrial zone and household living is not allowed in this zone.

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;

**Findings:** All parcels in the lot consolidation site have street frontage, therefore this standard does not apply.

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;

**Findings:** This property has frontage on N.E. 60<sup>th</sup> Avenue and NE Columbia Boulevard. The proposed parcels to be consolidated are not through lots and proposed consolidated Lot will not be a through lot. Therefore this standard does not apply.

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:** This site contains only one zoning designation, therefore the consolidated lot will not have split zoning. This standard does not apply.

B. 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 standard does not apply.

### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### CONCLUSIONS

The applicant proposes to consolidate historic parcels (Tax Lot 50 and Tax Lot 209) 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 required standards for lot consolidations as laid out in Section 33.675.300.

### ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel from historic parcels (Tax Lot 50 and Tax Lot 209) as illustrated by Exhibit C.1, signed and dated May 27, 2014.

Decision rendered by:

on May 30, 2019

By authority of the Director of the Bureau of Development Services

Decision mailed June 4, 2014

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 (by August 8, 2014), 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 February 14, 2014, and was determined to be complete on **March 14, 2014**.

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 February 14, 2014.

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 did not waive or extend the 120-day review period. The 120-day review period ends on July 12, 2014.

### 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.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

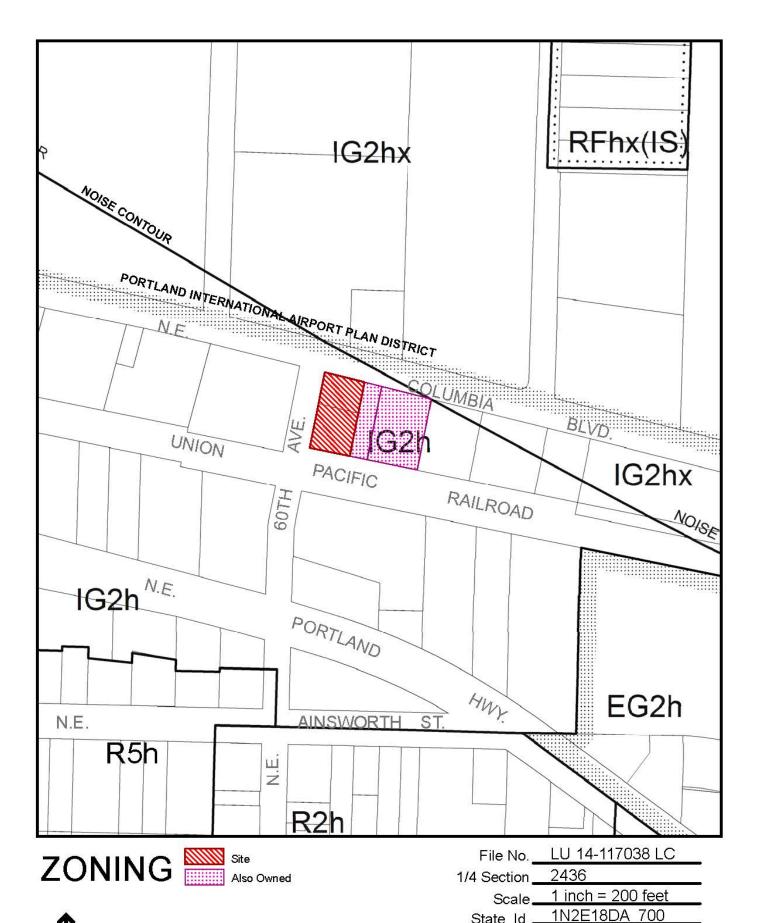
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

### **EXHIBITS**

### NOT ATTACHED UNLESS INDICATED

- A. Applicant's
  - 1. Narrative & Existing conditions Site Plan
  - 2. Legal Descriptions
  - 3. March 6, 2014 Letter from Group MacKenzie
  - 4. Deed Information
  - 5. E-mail dated March 6, 2014 from Ryan Schera-Representative (Group MacKenzie)
  - 6. E-mail & Map dated March 14, 2014 from Scott Field-Surveyor
  - 7. Documentation regarding MAJ Columbia
  - 8. Multnomah County Redlines of Lot Consolidation Plat
  - 9. March 17, 2014 Exhibit Map of deeds
- 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. Bureau of Parks, Forestry Division
  - 7. Life Safety
- F. Correspondence from Neighborhood: None
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated February 28, 2014
  - 3. E-mail Correspondence dated March 13, 2014
  - 4. April 17, 2014 Lot Consolidation Plat Status Report
  - 5. May 8, 2014 Lot Consolidation Final Plat Status Report

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).

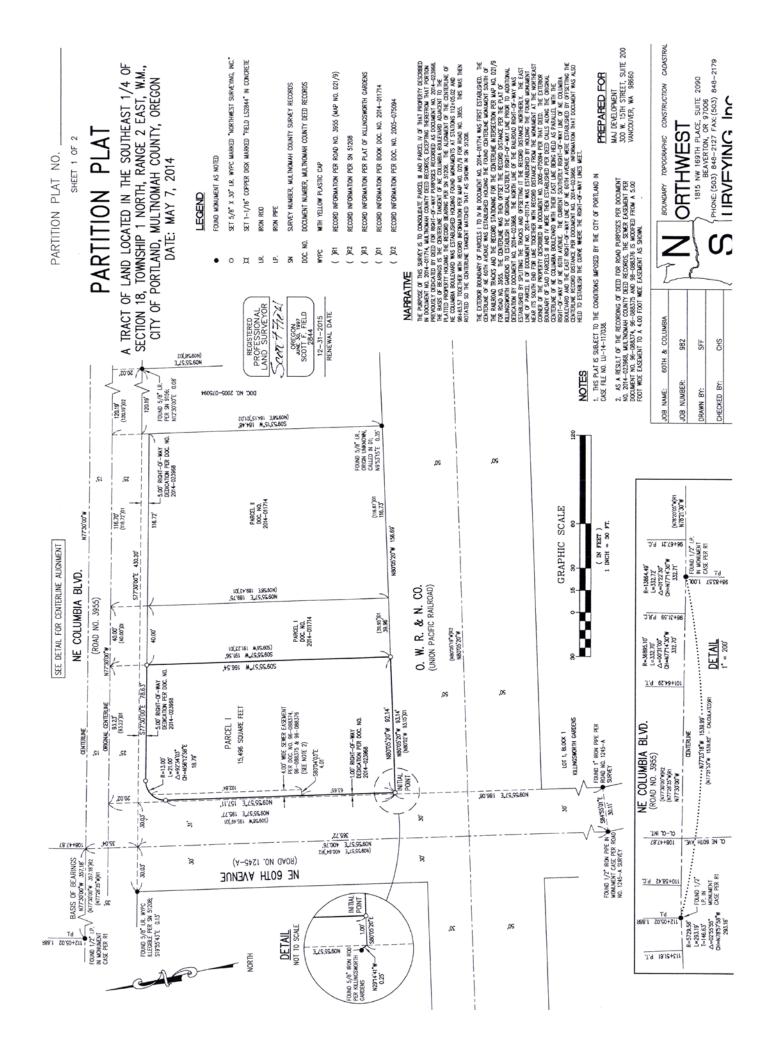


State\_Id ,

Exhibit.

(Feb 19,2014)





# PARTITION PLAT

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 2 EAST, W.M., CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON DATE: MAY 7, 2014

## SURVEYOR'S CERTIFICATE

I, SOOTI E, PELD, HEREBY CRRIPY THAT I HANE CORRECULY SURPERED AND MARKED WITH PROPER UGARAGNESS. THE LAND REPRESSATIEN ON HER ATTAINED PARTIMEN PLATE, SALO LAND BEING UGARAGNES I HEREBOAN, GITS OF PORTLAND, MULTINOMAH COUNTY, OREGON, MORE PARTICLANDARY DESCRIBED AS FOLKINNY.

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SAID DESCRIBED TRACT OF LAND CONTAINS 15,496 SQUARE FEET, MORE OR LESS.



### DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT MAN COLUMBIA BLYO AT 80TH, LLC, A WASHERING WHITE LOUGHTY COMPANY, IS THE CHARGE OF THE LAND PERFECTATION IN HEAVILED MAP AND UNCE PARTICLARLY DESCRIBED IN THE ACCOMPANIANG SARKFORK'S CERTIFICATE, AND HAS CAUSED THE PRIPTIAN PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED. AS SHOWN ON THE ANNUSED MAP IN ACCORDANCE WITH THE PROVISIONS OF OURSE, CHAPTER 92.

BY: MICHAEL ENIGNS, MANAGER
MAJ COLUMBIA BLVD AT 60TH, LLC

## **ACKNOWLEDGMENT**

STATE OF OREIGN

S.S.

COUNTY OF LALEALINGER.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE WE ON MALL OCCURREN BUTH, ILC.

2014, BY WICHCEL ASWINS, WANGER, ON BETHAF OF WAS COLUMEN BUTH.

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S. TO 14

PARTITION PLAT NO. \_

SHEET 2 OF 2

### PREPARED FOR

MAJ DEVELOPMENT 300 W. 15TH STREET, SUITE 200 VANCOUVER, WA 98660

## CITY OF PORTLAND APPROVALS APPROVED THIS AT A COLOT

OFF OF PARLING, PLANNING OREFORDS DELEASE

MINISTER APPROVED THIS 137 G. MAY 2014

OT OF PORILAND, OTY ENGINEER'S DELEGATE

## MULTNOMAH COUNTY APPROVALS

APPROVED THIS OF 2014
COUNTY SHRYEYOR
MULINOMAH COUNTY, ORECON

DEUTY ...

STATE OF OREGON ) S.S.

COUNTY OF WULTHOWAH )

1 DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD
AND RECORDED ON HE. DAY OF . 2014, AT

SARRITION PLAT NO.

BY: DEPUTY COUNTY CLERK

COUNTY RECORDING OFFICE

DOCUMENT NO.