



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
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Fax: (503) 823-5630  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 26, 2012  
**To:** Interested Person  
**From:** Rachel Whiteside, Land Use Services  
503-823-7605 / [Rachel.White@portlandoregon.gov](mailto:Rachel.White@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 <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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 12-172003 LC**

#### **GENERAL INFORMATION**

**Applicant/owner:** Dan Arquilevich  
2826 NE 26th Ave / Portland OR 97212

**Representative:** Dekkion T. Mackai / W. B. Wells & Assoc  
4230 NE Fremont / Portland, OR 97213  
503-284-5896

**Site Address:** 4608 NE 36TH AVE  
**Legal Description:** BLOCK 11 LOT 18-21, WILLAMETTE ADD  
**Tax Account No.:** R912504300 **Property ID#:** R307181  
**State ID No.:** 1N1E24AC 12900  
**Quarter Section:** 2534  
**Neighborhood:** Beaumont-Wilshire, contact Michael Rounds at 503-936-0740.  
**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.  
**Zoning:** R5ah – Single-Family Residential Zone with Alternative Design Density overlay and Aircraft Landing Zone overlays

**Case Type:** LC – Lot Consolidation  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant proposes to consolidate historic lots 19-21, Block 11 of Willamette Addition into one parcel. The lot consolidation is in preparation for a future property line adjustment with the abutting lot, Lot 18, under the same ownership. The property line adjustment will result in a developable lot to the east of the existing house. The property line adjustment is not part of this review.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant standards are found in Section 33.675.300, Lot Consolidation Standards.

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. This

application was submitted on August 15, 2012 and determined to be complete on September 25, 2012.

## ANALYSIS

**Site and Vicinity:** The site is on the corner of N.E. 36<sup>th</sup> Avenue and N.E. Going Street and is developed with a single story home. Pedestrian and vehicle access to the existing development are from NE 36<sup>h</sup> Ave. The surrounding neighborhood is primarily modest single story homes on lots ranging from 2,500 to 11,000 square feet in area. Northeast Going is a Bike Boulevard. Wilshire Park is southeast of the site.

**Zoning:** The site is situated in a **Single Dwelling Residential 5,000 (R5)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

The site also has **Alternative Design Density (a)** and **Aircraft Landing (h)** overlay designations.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation and construction equipment.

**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. Exhibits "E" contain complete details.

**Neighborhood:** A Notice of Proposal in your Neighborhood was mailed on October 1, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### **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 I 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:** Because the site was not subject to any past or proposed Planned Unit Development or Planned Developments, the requested lot consolidation review is being reviewed under the Type I procedure.

### **33.675.300 Lot Consolidation 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 site is in the R5 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. As shown in the following table (per Table 610-2 of the Zoning Code), the proposed consolidated lot meets the lot dimension standards of the R5 zone:

	<b>R5 Zone Requirement</b>	<b>Lot 1 (after consolidation)</b>
Minimum Lot Area (square feet)	3,000	8,475 s.f.
Maximum Lot Area (square feet)	8,500	
Minimum Lot Width* (feet)	40	75 feet
Minimum Front Lot Line (feet)	30	75 feet
Minimum Lot Depth (feet)	55	113 feet

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

Therefore, the proposed consolidated lot meets these standards.

- 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:** The maximum density of the consolidated lot is  $(8,475/5000) = 1.69$ , which is rounded down to 1 unit. The site is developed with a single dwelling residence. Therefore, the maximum density will not be exceeded by consolidating the historic lots as proposed. As such, this standard is met.

- 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:** The lot consolidation will consolidate Lots 19, 20 and 21. Each of these lots has street frontage, so this criterion 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:** None of the existing lots are through lots; nor is the proposed consolidated Parcel 1. 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. Accordingly, this standard does not apply.

**B. Conditions of land use approvals. Conditions of land use approvals continue to apply, and must be met.**

**Findings:** No prior land use conditions apply to this site. As such, this criterion does not apply.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval standards 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 lots 19, 20 & 21 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 applicable standards. Therefore, the request should be approved.

## ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel of historic lots 19, 20, 21, Block 11 of Willamette Addition, as illustrated by Exhibit C.1, signed and dated November 15, 2012.

**Staff Planner: Rachel Whiteside**

**Decision rendered by:**  **on November 15, 2012**  
By authority of the Director of the Bureau of Development Services

**Decision mailed November 26, 2012**

**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 15, 2012, and was determined to be complete on **September 25, 2012.**

*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 15, 2012.

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. Unless further extended by the applicant, **the 120 days will expire on: January 23, 2012.**

**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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

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

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

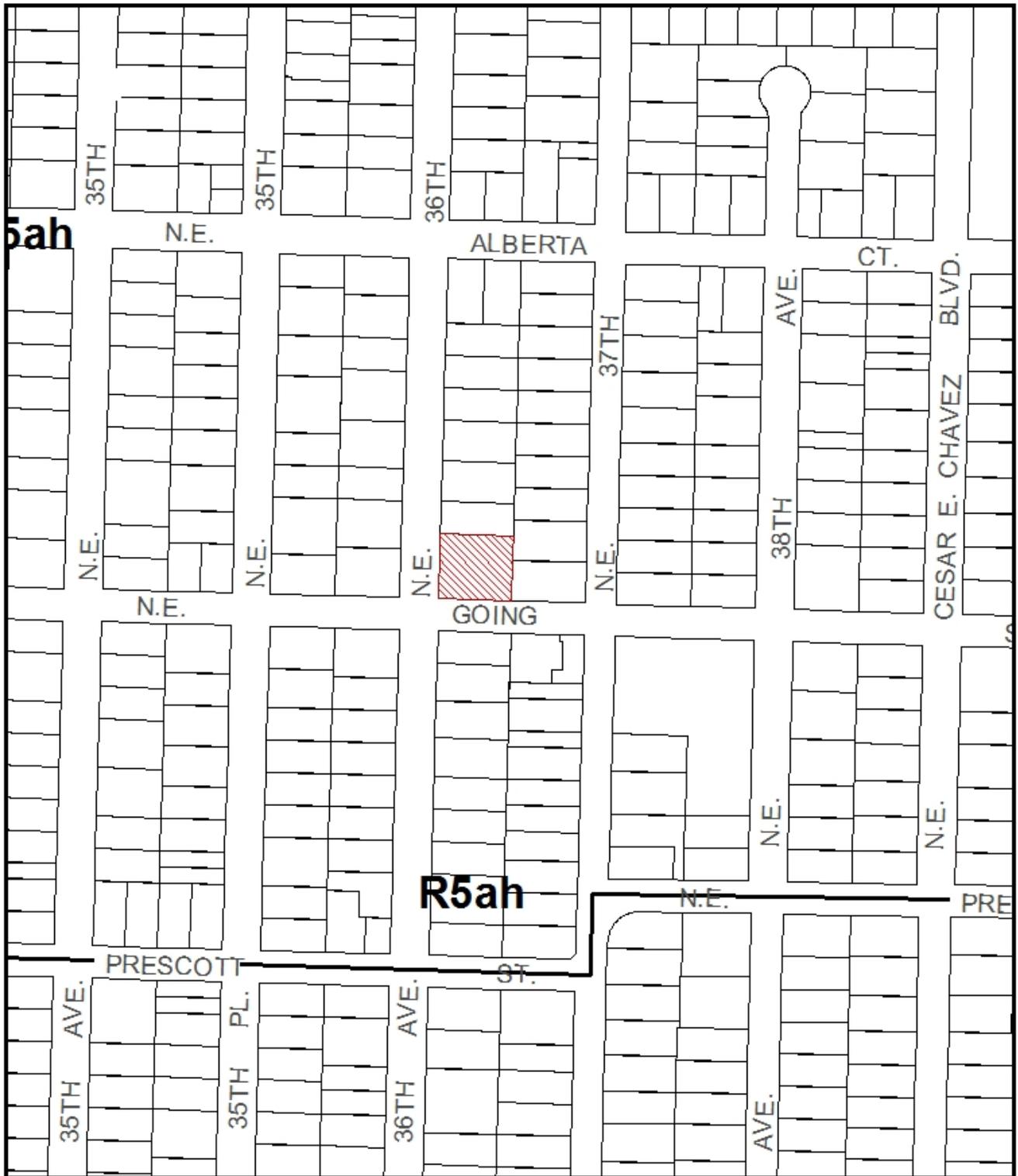
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittal
  - 1. Narrative Addressing Approval Criteria
  - 2. Title Report
  - 3. Willamette Addition Plat Map
  - 4. Statutory Warrant Deed
  - 5. Original Lot Consolidation Survey & Supplemental Survey submittal
  - 6. September 25, 2012 Revised Lot Consolidation Survey & Supplemental Survey
  - 7. Future Property Line Adjustment Plan
  - 8. Original submittal plans
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
2. Lot Consolidation Final Plat Survey
- 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. Site Development Review Section of BDS
  5. Bureau of Parks, Forestry Division
- F. Other
  1. Original LU Application
  2. Incomplete Letter to applicant
  3. Lot Consolidation Plat Status Letter

**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

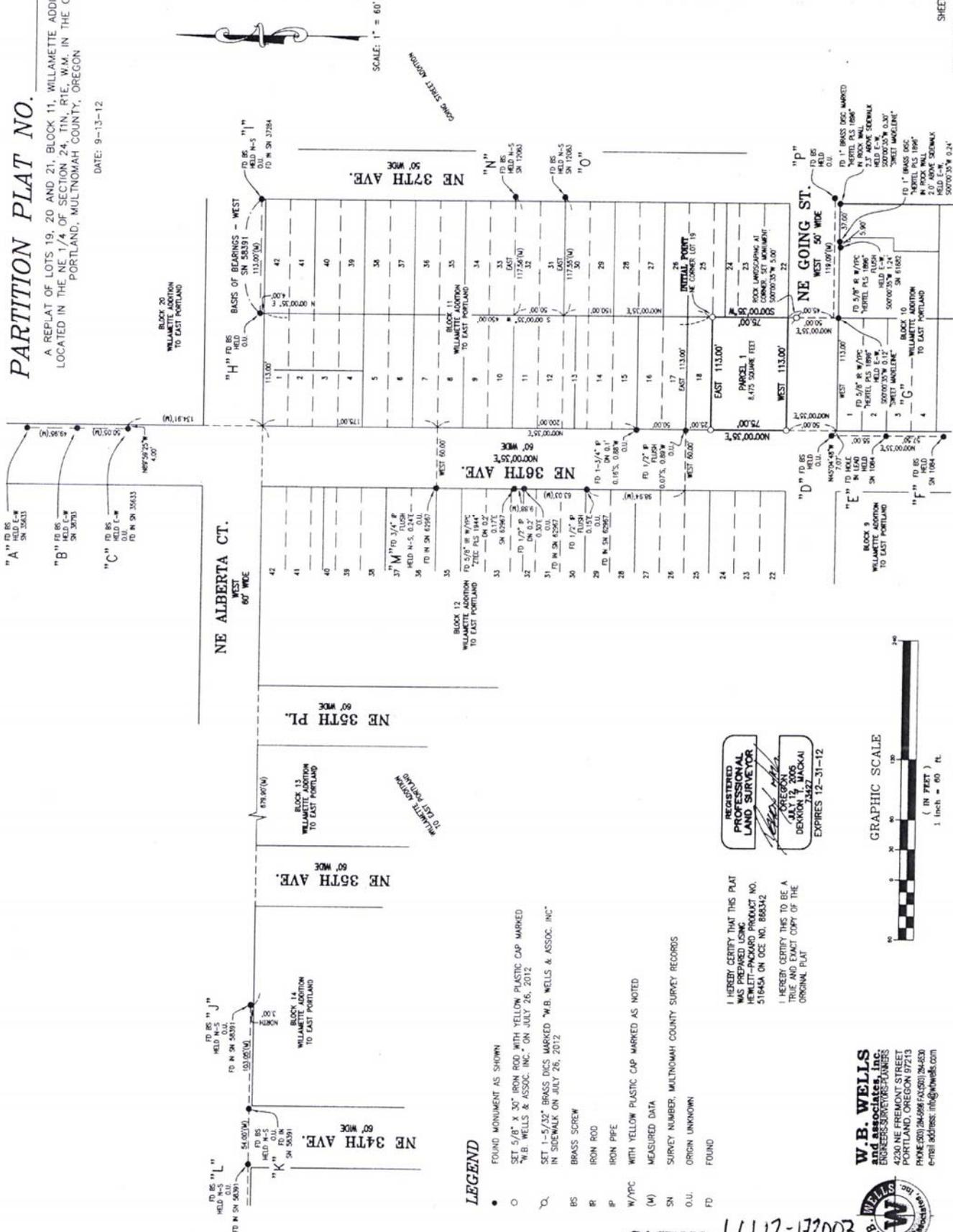


File No. LU 12-172003 LC  
 1/4 Section 2534  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E24AC 12900  
 Exhibit B (Aug 22,2012)

# PARTITION PLAT NO.

A REPLAT OF LOTS 19, 20 AND 21, BLOCK 11, WILLAMETTE ADDITION, LOCATED IN THE NE 1/4 OF SECTION 24, T1N, R1E, W.M. IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: 9-13-12



## LEGEND

- FOUND MONUMENT AS SHOWN
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC. INC." ON JULY 26, 2012
- SET 1-5/32" BRASS DICS MARKED "W.B. WELLS & ASSOC. INC." IN SIDEWALK ON JULY 26, 2012
- BS BRASS SCREW
- IR IRON ROD
- IP IRON PIPE
- W/IPC WITH YELLOW PLASTIC CAP MARKED AS NOTED
- (M) MEASURED DATA
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- O.U. ORIGIN UNKNOWN
- FD FOUND

REGISTERED PROFESSIONAL LAND SURVEYOR  
 W.B. WELLS  
 JULY 12, 2005  
 DENVER, COLORADO  
 EXPIRES 12-31-12

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 5164A ON OCE NO. 888342  
 I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

**W.B. WELLS**  
 ENGINEERS & SURVEYORS  
 4200 NE FREMONT STREET  
 PORTLAND, OREGON 97213  
 PHONE: (503) 248-9888 FAX: (503) 248-6538  
 e-mail address: info@wbwells.com



CASE NO. LC12-172003  
 EXHIBIT C1

# PARTITION PLAT NO.

A REPLAT OF LOTS 19, 20 AND 21, BLOCK 11, WILLAMETTE ADDITION, LOCATED IN THE NE 1/4 OF SECTION 24, T1N, R1E, W1M IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: 9-13-12

## SURVEYOR'S CERTIFICATE

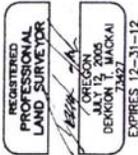
I, DEKON T. MACKAI, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, SAID LAND BEING DESCRIBED AS FOLLOWS:

LOTS 19, 20 AND 21, BLOCK 11, WILLAMETTE ADDITION TO EAST PORTLAND BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 11, WILLAMETTE ADDITION TO EAST PORTLAND BEING REFERENCED WITH A FOUND BRASS SCREW BEARING NORTH 02°00'35" EAST 190.00 FEET; THENCE SOUTH 02°00'35" WEST, A DISTANCE OF 450.00 FEET TO THE INITIAL POINT BEING THE INTERSECTION OF SAID LOT 19 AND IS MARKED WITH A SET 5/8" X 3/4" IRON ROD WITH YELLOW PLASTIC CAP MARKED "46.19.3.8650X"; THENCE SOUTH 02°00'35" WEST ALONG THE EAST LINE OF SAID LOTS 19, 20 AND 21, A DISTANCE OF 75.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF N.E. GOING STREET AND THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 113.00 FEET TO THE SOUTHWEST CORNER OF LOT 21; THENCE NORTH 02°00'35" EAST, ALONG THE WEST LINE OF SAID LOTS 19, 20 AND 21 AND THE EAST RIGHT-OF-WAY LINE OF N.E. 36TH AVENUE, A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 19, A DISTANCE OF 113.00 FEET TO THE INITIAL POINT.

CONTAINING 8,475 SQUARE FEET.

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED USING THE PRODUCT NO. 51645A ON OCE NO. 66834Z



## DECLARATION

I, DAN ARBULEVICH, BY THESE PRESENTS THAT DAN ARBULEVICH, TRUSTEE OF THE ARBULEVICH TRUST, DO hereby certify that the ANNEXED MAP AND WORK PARTIALLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED PARTITION PLAT TO BE A TRUE AND CORRECT MAP AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED, AS SHOWN AND NOTED, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

*Dan Arbulevich*  
DAN ARBULEVICH  
ARBULEVICH LIVING TRUST

## ACKNOWLEDGMENT

STATE OF WASHINGTON )  
COUNTY OF CLATSOP )

THIS IS TO CERTIFY THAT ON THIS 7th DAY OF November 2012, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DAN ARBULEVICH, WHO BEING DULY FRESHLY SWORN, AND THE PUBLIC PERSON NAMED IN THE FOREGOING INSTRUMENT AND HE AND EACH OF THEM, THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND WILL.

*Jason J. Schaefer*  
Jason J. Schaefer  
NOTARY PUBLIC - WASHINGTON  
COMMISSION No. 138444  
MY COMMISSION EXPIRES August 01st 2016

## CITY OF PORTLAND APPROVALS

CASE FILE NO. LU 12-172003 LC

APPROVED THIS 13th DAY OF November, 2012

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

APPROVED THIS 14th DAY OF November, 2012

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

## MULTNOMAH COUNTY APPROVALS

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

BY: \_\_\_\_\_  
DEPUTY

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF \_\_\_\_\_, 20\_\_\_  
DIRECTOR, DIVISION OF ASSESSMENT & TAXATION  
MULTNOMAH COUNTY, OREGON.

STATE OF OREGON )  
COUNTY OF MULTNOMAH )

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED \_\_\_\_\_, 20\_\_\_  
AT \_\_\_\_\_ M. AS PARTITION

PLAT NO. \_\_\_\_\_  
COUNTY RECORDING OFFICE

BY: \_\_\_\_\_  
DEPUTY  
DOCUMENT NO. \_\_\_\_\_



W.B. WELLS & ASSOCIATES, INC.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
4200 NE FREMONT STREET  
PORTLAND, OREGON 97213  
PHONE 503/744-9868 FAX 503/744-8200  
e-mail address: info@wbwells.com

CASE NO. LU 12-172003  
EXHIBIT C1

**NOTES**  
THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NUMBER LU 12-172003 LC.