



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** May 19, 2010  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [sean.williams@ci.portland.or.us](mailto:sean.williams@ci.portland.or.us)

## **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 this notice. 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 10-104065 LC**

#### **GENERAL INFORMATION**

**Applicant:** Lance Anderson  
Stonehenge Towers LLC  
1500 4<sup>th</sup> Ave Ste 600  
Seattle, Wa 98101

**Representative:** Chris Fischborn  
ZTEC Engineers Inc.  
3737 SE 8<sup>th</sup> Avenue  
Portland, OR 97202

**Site Address:** 4700 SW Council Crest Drive

**Legal Description:** BLOCK 2 LOT 1&4, SLAVINS ADD & PLAT 2  
**Tax Account No.:** R774300180  
**State ID No.:** 1S1E16BA 03100  
**Quarter Section:** 3527  
**Neighborhood:** SWN, Hillsdale, contact Duane Hunting at 503-417-4409.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** Healy Heights  
**Other Designations:** Potential Landslide Hazard  
**Zoning:** Residential 10,000 (R10) w/ Environmental Zone (c) & Scenic Resource Zone (s)  
**Case Type:** Lot Consolidation (LC)  
**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 1 and 4, Block 2 of Slavins Addition into one parcel. The lot consolidation is in preparation for a street vacation of SW Seymour Street (07-104692 VA). The vacation of SW Seymour Street would result in Lot 1 containing no

street frontage and being landlocked. Therefore, Lot 1 must be consolidated with Lot 4 in order to allow for the street vacation to occur.

**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 subject property is located at the southeast corner of the intersection of SW Council Crest Drive and SW Seymour Street. The site is currently improved with a large wireless communication tower and associated facilities.

**Zoning:** The R10 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The "c" overlay is intended to conserve important environmental features and resources while still allowing compatible development. New development and exterior modifications to existing development must meet environmental standards or are subject to environmental review.

The "s" overlay zone is intended to protect Portland's significant scenic resources.

**Land Use History:** Several conditional use permits have been approved on this property for wireless communication facilities (see Exhibit G-2). These land use approvals have no bearing on this lot consolidation, nor will this proposal affect the existing conditional use approvals.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on February 12, 2010.

**1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate 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 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 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:** 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 I 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 R10 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 is well in excess of the maximum lot area requirement for the zone as shown in the table below (this information is found in Table 610-2 of the Zoning Code). However, both lots, prior to consolidation, are larger than the maximum lot area of the R10 zone. Therefore the proposal meets exception 33.675.300.A.1.b stated above. The proposed consolidated lot meets all other lot dimension standards of the R10 zone. This standard is met.

	<b>R10 Zone Requirement</b>	<b>Lot 1 (after consolidation)</b>
Minimum Lot Area	6,000 square feet	75,014 square feet
Maximum Lot Area	17,000 square feet	
Minimum Lot Width*	50 feet	178 feet
Minimum Front Lot Line	30 feet	178 feet
Minimum Lot Depth	60 feet	387 feet

\* Width is measured at the minimum front building setback 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:** The maximum density of the consolidated lot is  $(75,014/10,000) = 7.5 = 7$  lots. The site is not currently used for residential purposes. Therefore the maximum density will not be exceeded by consolidating the historic lots that currently make up this site.

- 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 lots 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:** The existing lots within the lot consolidation site are not through lots and proposed consolidated Lot 1 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:** Conditions of all previous land use approvals for this property shall continue to apply. 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.


## **CONCLUSIONS**

The applicant proposes to consolidate historic 1 and 4, Block 2 of Slavins Additions 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 of historic Lots 1 and 4, Block 2 of Slavins Additions into one parcel, as illustrated by Exhibit C.1, signed and dated May 14, 2010.

Decision rendered by:  on May 14, 2010.

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 19, 2010**

**Staff Planner: Sean Williams**

**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 (August 12, 2010), 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 January 19, 2010, and was determined to be complete on February 9, 2010.

*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 January 19, 2010.

*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: June 9, 2010.**

**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 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).

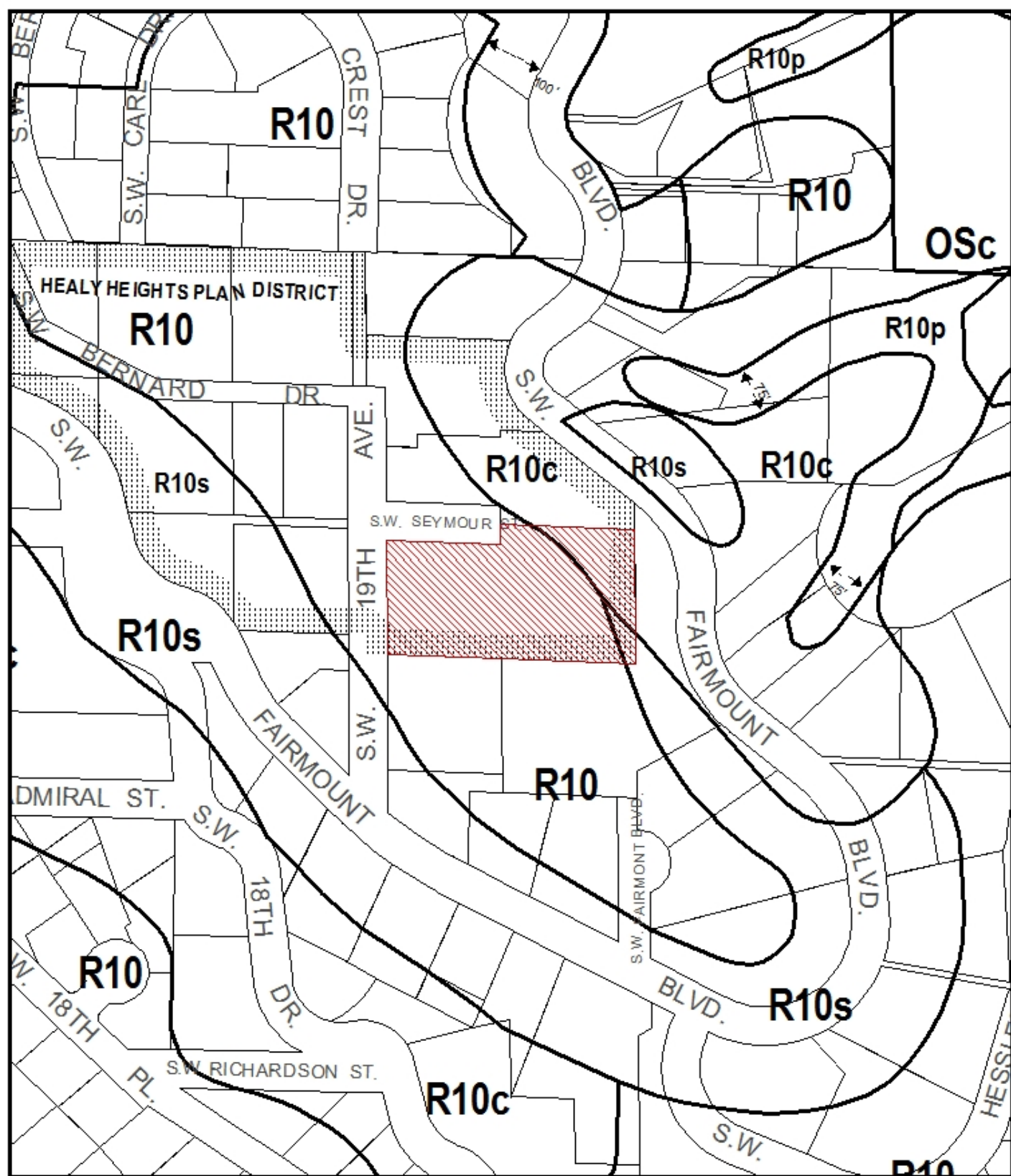
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- 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. Water Bureau
  - 3. Site Development Review Section of BDS
  - 4. Bureau of Parks, Forestry Division; Bureau of Transportation Engineering and Development Review; Fire Bureau; Life Safety
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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



This site lies within the:  
HEALY HEIGHTS PLAN DISTRICT

File No.	LU 10-104065 LC
1/4 Section	3527
Scale	1 inch = 200 feet
State_Id	1S1E16BA 3100
Exhibit	B (Jan 20, 2010)

Chris Fischborn  
CHRIS FISCHBORN, PLS 1844

5-7-10  
DATE

# PARTITION PLAT

A REPLAT OF LOTS 1 AND 4, BLOCK 2, "SLAVINS ADDITION" LOCATED IN THE N.W. 1/4 OF SECTION 16, T.1S., R.1E., W.M. IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

**Ztec ENGINEERS INC.**

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202

PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. S3813-1 DATE SURVEYED: 2-04-09

## LEGEND:

- MONUMENTS FOUND AS NOTED

○ 5/8" IRON ROD WITH YELLOW CAP STAMPED "ZTEC LS 1644" SET ON 11-27-09

LR IRON ROD

LP IRON PIPE

FD FOUND

M MEASURED

O.U. ORIGIN UNKNOWN

YPC YELLOW PLASTIC CAP

C.L. CENTER LINE

SN(1) SN 48395

SN(2) SN 59718

SN(3) SN 41335

SN(4) SN 58604

P(1) PLAT OF "SLAVINS ADDITION TO THE PORTLAND CITY HOMESTEAD"

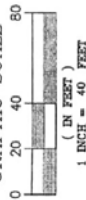
P(2) PLAT OF "HESSLER HILLS"

RD. NO. ROAD NUMBER

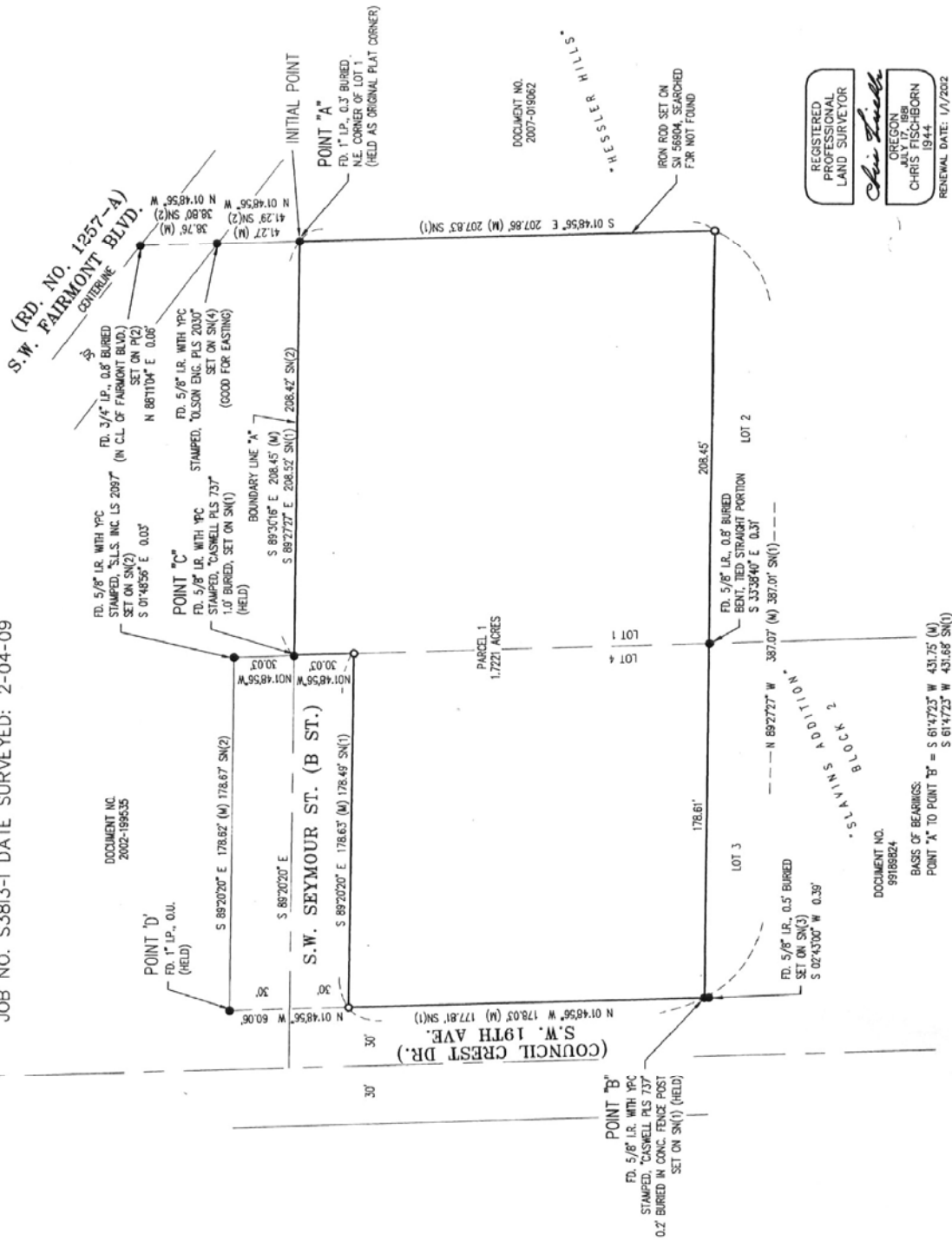
## NOTE:

- THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NO. LU 10-104065C.

## GRAPHIC SCALE



PARTITION PLAT NO.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Chris Fischborn  
OREGON  
JULY 17, 1989

CHRIS FISCHBORN  
1944

RENEWAL DATE: 1/1/2022

CASE NO. Lu 10-104065 SHEET 1 OF 2

EXHIBIT C-1



# PARTITION PLAT

A REPLAT OF LOTS 1 AND 4, BLOCK 2, "SLAVINS ADDITION"  
LOCATED IN THE N.W. 1/4 OF SECTION 16, T.1S., R.1E., W.M.  
IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

## ZTec ENGINEERS INC.

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202

PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. S3813-I DATE SURVEYED: 2-04-09

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

### SURVEYOR'S CERTIFICATE:

I, CHRIS FISCHBORN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS REPRESENTED ON THE ATTACHED PARTITION PLAT MAP, BEING LOTS 1 AND 4, BLOCK 2 OF "SLAVINS ADDITION TO THE PORTLAND CITY HOMESTEAD", MULTNOMAH COUNTY PLAT RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 1 INCH IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BEING THE INITIAL POINT; THENCE SOUTH 01°48'56" EAST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 207.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°27'27" WEST, ALONG THE SOUTH LINE OF SAID LOTS 1 AND 4, A DISTANCE OF 387.07 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED, "CASHWELL PLUS 737" FOUND ON THE EAST RIGHT-OF-WAY LINE OF S.W. 19TH AVENUE, THENCE NORTH 01°48'56" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 176.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. SEMOUR STREET; THENCE SOUTH 89°20'20" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 178.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID S.W. SEMOUR STREET, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 01°48'56" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID WEST LINE OF SAID LOT 1, A DISTANCE OF 30.03 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED, "CASHWELL PLUS 737" FOUND AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89°30'16" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 208.45 FEET TO THE INITIAL POINT.

SAID PARCEL OF LAND CONTAINS AN AREA OF 1.7221 ACRES, MORE OR LESS.

### NARRATIVE:

BASIS OF BEARINGS: SOUTH 61°47'23" WEST BETWEEN THE 1" IRON PIPE FOUND AT POINT "A" AND THE 5/8" IRON ROD FOUND AT POINT "B" AS CALCULATED FROM SN 46396.

PURPOSE OF SURVEY: TO REPLAT LOTS 1 AND 4, BLOCK 2 OF THE PLAT OF "SLAVINS ADDITION TO THE PORTLAND CITY HOMESTEAD", BEING THAT TRACT OF LAND AS DESCRIBED BY DOCUMENT NO. 98131761, INTO ONE PARCEL.

EAST LINE: HELD THE 1" IRON PIPE FOUND AT POINT "A" AND HELD THE SN(1) BEARING OF S 01°48'56" E FOR THIS LINE.

SOUTH LINE: HELD THE 5/8" IRON ROD FOUND AT POINT "B" AND HELD THE SN(1) BEARING OF N 89°27'27" W FOR THIS LINE.

BOUNDARY LINE "A": HELD THE 1" IRON PIPE FOUND AT POINT "A" AND THE 5/8" IRON ROD FOUND AT POINT "B" FOR THIS LINE.

S.W. SEMOUR ST.: HELD THE 1" IRON PIPE FOUND AT POINT "D" AND HELD A POINT 30.00 FEET NORTH OF THE 5/8" IRON ROD FOUND AT POINT "C" WHICH PRODUCES A BEARING OF S 89°20'20" E FOR THE NORTH RIGHT-OF-WAY LINE OF THIS STREET. THE 5/8" IRON ROD FOUND AT POINT "C" WAS HELD FOR THE EAST END OF THE STREET AND THE BEARING FOR THE EAST END OF THE STREET WAS HELD AS PARALLEL WITH THE EAST PROPERTY LINE AS PER SN(1).

S.W. 19TH AVE.: HELD THE 1" IRON PIPE FOUND AT POINT "D" AND THE 5/8" IRON ROD FOUND AT POINT "B" FOR THE EAST RIGHT-OF-WAY LINE OF THE STREET, WHICH IS THE SAME BEARING AS ON SN(1) FOR THIS STREET.

### DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT STONEHENGE TOWERS, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, THE OWNER OF THE LAND REPRESENTED ON THE ANNEKED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEKED MAP TO BE A CORRECT MAP OF SAID PROPERTY, AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

STONEHENGE TOWERS, LLC

*Michael D. Brown*  
MICHAEL D. BROWN, PROPERTY MANAGER  
BEDROCK & ASSOCIATES, LLC, MEMBER

### ACKNOWLEDGMENT:

STATE OF OREGON } s.s.  
COUNTY OF MULTNOMAH }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 5-10-10, BY MICHAEL D. BROWN ON BEHALF OF STONEHENGE TOWERS, LLC.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Chris Fischborn*  
CHRIS FISCHBORN  
1944

RENEWAL DATE: 1/1/2012

*Michael D. White*  
NOTARY SIGNATURE

MICHAEL D. WHITE  
NOTARY PUBLIC

MY COMMISSION NO. 438512

MY COMMISSION EXPIRES Apr 16, 2013

### APPROVALS:

APPROVED THIS 14<sup>TH</sup> DAY OF May, 2010

*Sean White*  
CITY OF PORTLAND PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 14<sup>TH</sup> DAY OF MAY, 2010

*Cherie Medina*  
CITY OF PORTLAND CITY ENGINEER'S DELEGATE

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

COUNTY SURVEYOR  
MULTNOMAH COUNTY, OREGON

BY \_\_\_\_\_

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF \_\_\_\_\_, 2010  
DIRECTOR, DIVISION OF ASSESSMENT & TAXATION,  
MULTNOMAH COUNTY, OREGON

BY \_\_\_\_\_

STATE OF OREGON } ss  
COUNTY OF MULTNOMAH }

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED \_\_\_\_\_, 2010 AT \_\_\_\_\_, AS

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

BY \_\_\_\_\_

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

CASE NO. LU1D-104065 SHEET 2 OF 2

EXHIBIT C-1