



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** July 24, 2008  
**To:** Interested Person  
**From:** Suzanne Savin, Land Use Services  
503-823-5888 / [Suzanne.Savin@ci.portland.or.us](mailto:Suzanne.Savin@ci.portland.or.us)

## **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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-127983 AD**

#### **GENERAL INFORMATION**

**Applicant:** Brent Hinrichs  
Constructive Form Architecture And Design, LLC  
2975 SW Upper Drive  
Portland, OR 97201

**Owner:** Wendy Broussard  
11 SW Taylors Ferry Rd  
Portland, OR 97219

**Site Address:** 9310 SW 8TH DR

**Legal Description:** N 90' OF LOT 4 BLOCK C, NORTHROP AC  
**Tax Account No.:** R616101850  
**State ID No.:** 1S1E28AC 03700  
**Quarter Section:** 3928

**Neighborhood:** SWN, Collins View, contact Dave and Dixie Johnston at 503-636-0959.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** None

**Zoning:** R10 (Single-Dwelling Residential 10,000)

**Case Type:** AD (Adjustment Review)  
**Procedure:** Type II, administrative decision with appeal to Adjustment Committee.

#### **Proposal:**

The property owner has obtained an approved building permit to construct a single-dwelling residence on the site (Permit No. 08-110002 RS), and the residence is currently under construction. The site plan for the approved building permit showed a main entrance for the residence on its west elevation, facing SW 8<sup>th</sup> Drive.

However, the owner desires to revise the main entrance location. The revised main entrance location is proposed to be on the south elevation, to the east of and behind a portion of the residence that faces the street. The main entrance location is proposed to be approximately 14 feet east of the residence's longest street-facing wall, and oriented at 90 degrees from the street. (Please see the attached site plan and elevations for a graphic depiction of the proposed main entrance location).

Zoning Code Section 33.110.230.C (Main Entrances) requires main entrances to be within 8 feet of the longest street-facing wall of the dwelling unit, and be oriented to either face the street, be at an angle of up to 45 degrees from the street, or open onto a porch that has at least one entrance facing the street. The applicant requests an Adjustment to Section 33.110.230.C to allow the main entrance to be located approximately 14 feet from the residence's longest street-facing wall, and to be oriented at 90 degrees from the street.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Approval Criteria of Section 33.805.040.A – F.

## ANALYSIS

**Site and Vicinity:** The site is located on the east side of SW 8<sup>th</sup> Drive, between SW 8<sup>th</sup> Drive's intersections with SW 8<sup>th</sup> Avenue and SW Plum Drive, and is approximately 21,100 square feet in size. The surrounding properties to the north, east, south and west are zoned R10, and are developed with single-dwelling residences.

**Zoning:** The site is zoned R10, Single-Dwelling Residential 10,000. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

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

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **June 30, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded that the building permit for this development project is currently being reviewed under permit #08-110002-RS. The proposed Adjustment does not appear to impact the stormwater management plan as identified under the building permit review process. Therefore, BES has no objections to the proposed Adjustment. (Exhibit E-1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 30, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity,

some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

### **33.805.040 Adjustment Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The applicant is requesting an adjustment to Section 33.110.230.C, to allow the residence's main entrance to be located approximately 14 feet from its longest street-facing wall, and be oriented at 90 degrees from the street.

The purpose of the regulation, as stated in Section 33.110.230.A, consists of the following 4 bullet points:

These standards:

- Together with the street-facing façade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

The applicant notes that the proposal complies with the above purposes of the regulation for the following reasons:

- The west, street-facing elevation of the residence contains windows into the living areas of the residence. These windows will provide visual connections between the living area of the residence and the street, and enhance public safety for residents and visitors and provide opportunities for community interaction.
- The design of the pedestrian pathway and stairs that lead to the main entrance will provide visual cues that will identify the location of the entrance from the street. The stairs have been designed and articulated for expanded visual significance, allowing pedestrians at street level to identify the pathway to the main entrance by a view up the vehicle drive to the stairs.
- The design of the pedestrian pathway includes a prominent vertical element that displays the street number for the house. The position and orientation of this element both indicate a direction for pedestrian travel, and a distinct way-finding link along the pathway to the main entry doors.
- A group of landscape plantings parallel to the path direction are also illustrated on the site plan and elevation. The plantings are located on the east side of the north-south oriented portion of the pedestrian pathway to the main entrance.
- These proposed features (the orientation and articulation of the stairs, the pedestrian pathway vertical element with street number, and the plantings on the east side of the pathway and north of the vertical element) will ensure that the location of the pedestrian entrance is clearly identifiable from the street by its articulation, and will ensure that pedestrians can easily find the main entrance.

Staff notes that the site plan depicts the pedestrian pathway with a gray tone that graphically differentiates it from the driveway and parking pad to the south, and the parking pad to the east. This depiction of the pedestrian pathway implies that it will be visually differentiated in some way from the vehicle driveway and parking pads, but neither the site plan nor narrative explicitly state the nature of this differentiation. In order for the pedestrian pathway to be clearly discernable to pedestrians at street level, a condition of approval is warranted, requiring the pedestrian pathway to differ from the vehicle driveway and parking pads in terms of one or more of the following: surface material, surface texture, and/or surface color.

With compliance with this condition of approval, and with the pedestrian pathway design as shown on the attached site plan and elevation, the Adjustment will equally meet the purpose of the regulation.

This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** The site is within a residential zone. The adjustment request is to locate the main entrance to the residence at approximately 14 feet from the longest street-facing wall, and oriented at 90 degrees from the street. The location of the main entrance will not significantly detract from the livability or appearance of the residential area, because the applicant has proposed a pedestrian pathway design that will provide visual cues to identify the location of the entrance, which will allow pedestrians to easily find the entrance.

This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is being requested, therefore this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** There are no city-designated scenic or historic resources on the site, so this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** The potential impacts of the adjustment are that the pedestrian entrance will not be clearly identifiable from the street, and that pedestrians will not be able to easily find the main entrance. However, the applicant has mitigated for these potential impacts via the design of the pedestrian pathway.

The stairs have been designed and articulated for expanded visual significance. The design of the pedestrian pathway includes a prominent vertical element that displays the street number for the house. The position and orientation of this element both indicates a direction for pedestrian travel, and a distinct way-finding link along the pathway to the main entry doors. A group of landscape plantings parallel to the path direction are also illustrated on the site plan and elevation. The plantings are located on the east side of the north-south oriented portion of the pedestrian pathway to the main entrance.

In addition to the above mitigation measures proposed by the applicant, the pedestrian pathway's surface material and/or surface texture and/or surface color should differ from that of the vehicle driveway, to allow the pathway's location to be clearly identifiable to pedestrians at street level. Therefore a condition of approval is warranted, requiring the pedestrian pathway to differ from the vehicle driveway and parking pads in terms of one or more of the following: surface material, surface texture, and/or surface color. With compliance with this condition, and with the design features proposed by the applicant, the location of the pedestrian entrance will be clearly identifiable from the street by its articulation, and will ensure that pedestrians can easily find the main entrance.

This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** The site is not within an environmental zone, so this criterion is not applicable.

## **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 has requested an Adjustment to allow the residence's main entrance to be approximately 14 feet from the longest street-facing wall and oriented at 90 degrees from the street. The applicant has provided information to demonstrate that this adjustment will comply with the Adjustment Approval Criteria, and therefore the adjustment can be approved, per the plans and elevations. Approval of building permits is still required, after the decision is final and has been recorded with Multnomah County.

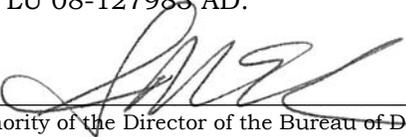
## **ADMINISTRATIVE DECISION**

Approval of an Adjustment to Section 33.110.230.C, to allow the main entrance to be located approximately 14 feet from the residence's longest street-facing wall, and be oriented at 90 degrees to the street, per the approved plans, Exhibits C-1 through C-3, signed and dated July 22, 2008, subject to the following conditions:

- A. The plans submittal for the building permit (08-110002 RS) must be revised to reflect the following:
- 1) The information and design approved by this land use review as indicated in Exhibits C.1 through C.3, which includes:
    - a) The design and articulation of the pedestrian pathway and the stairs leading to the main entrance;
    - b) The prominent vertical element at the south end of the stairs that displays the street number for the house; and,
    - c) The group of landscape plantings located on the east side of the north-south oriented portion of the pedestrian pathway to the main entrance.

- 2) The plans must indicate that the pedestrian pathway and stairs will differ from the vehicle driveway and parking pads in terms of one or more of the following: surface material, surface texture, and/or surface color.

The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-127983 AD."

**Decision rendered by:**  **on July 22, 2008.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 24, 2008**

**Staff Planner: Suzanne Savin**

**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 May 9, 2008, and was determined to be complete on June 25, 2008.

*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 May 9, 2008.

*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.

**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 to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 7, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant

prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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).

**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 Adjustment Committee 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 8, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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.

**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.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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:

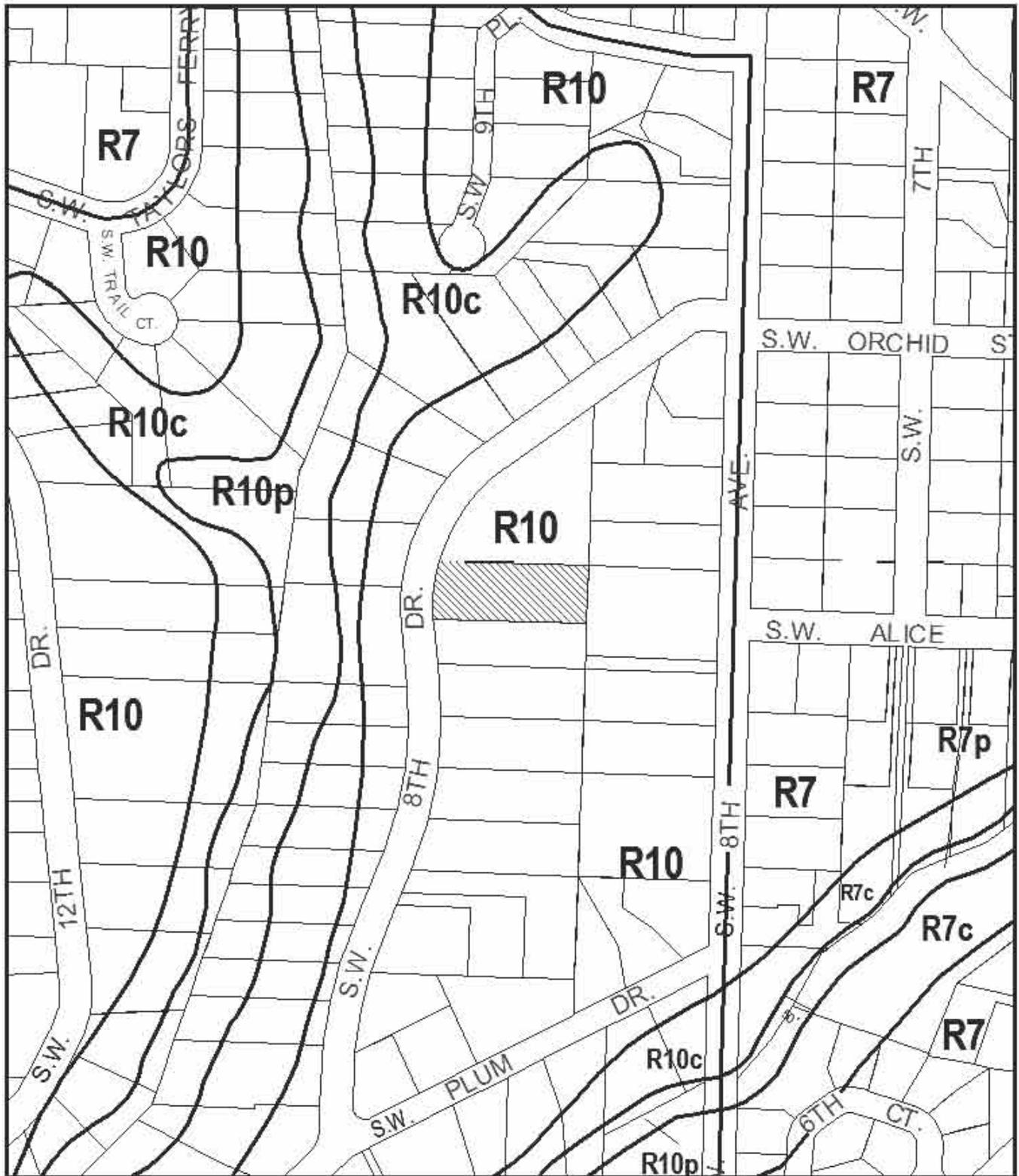
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. South Elevation (attached)
  - 4. Floor Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. "No concerns" responses from Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS, Bureau of Parks - Forestry Division
- F. Correspondence:
  - 1. No correspondence submitted
- 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. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

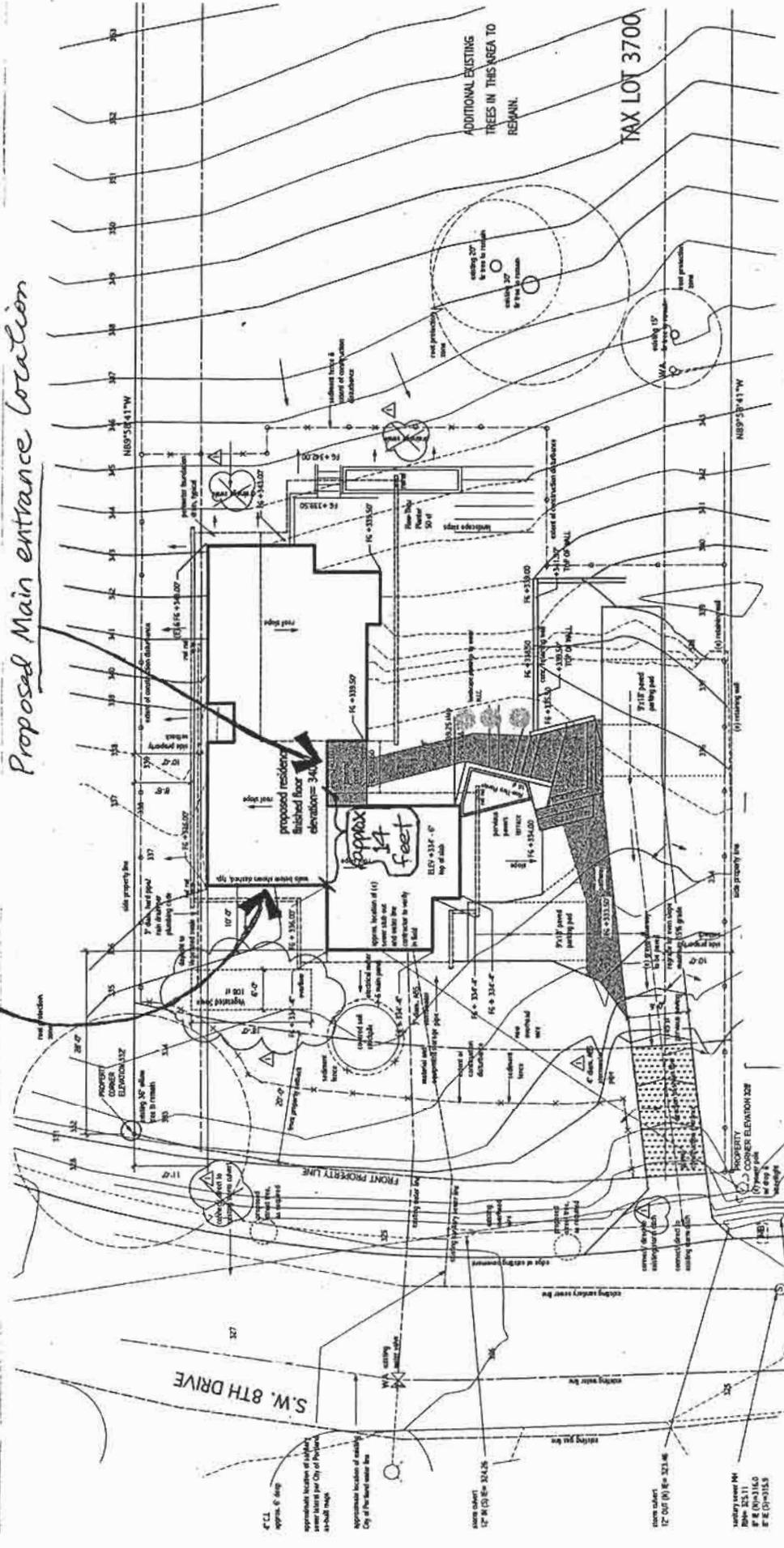
 Site



File No.	<u>LU 08-127983 AD</u>
1/4 Section	<u>3928</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E28AC 3700</u>
Exhibit	<u>B</u> (May 15, 2008)

Longest street-facing wall of dwelling unit

Proposed Main entrance location



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Julianne* Date *July 22 2008*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-1

LU 08-127983 AD

SITE PLAN

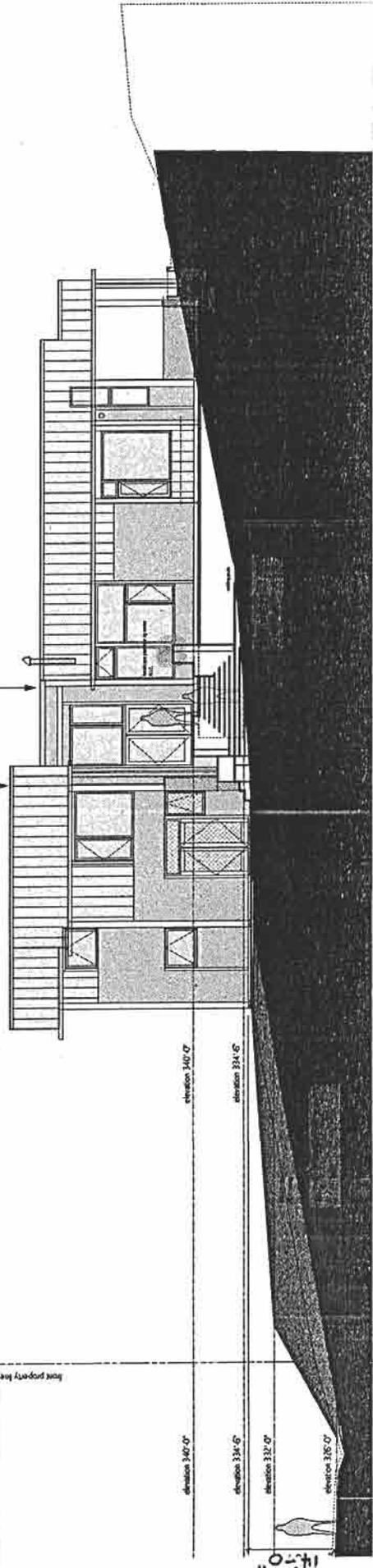
2008-127983-000-00-111  
 Adjustment Review

9310 SW 8th Drive, Portland OR 97219  
 20 June 2008





Main Entrance  
 proposed main entry door @ covered porch



SOUTH ELEVATION (SIDE)

SOUTH ELEVATION  
 section through street @ drive  
 & required front door entry location  
 2008-127983-000-00-LU  
 Adjustment Review

9310 SW 8th Drive, Portland OR 97219  
 20 June 2008

(SW 8th Drive)

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Suzanne Davis* Date *July 22, 2008*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-127983 AD

Exhibit C-3