



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: October 3, 2008
To: Interested Person
From: Abigail Fowle, Land Use Services
503-823-0624 / FowleA@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 08-151584 HDZ
NEW ADDITION & GARAGE AT 01350 SW MILITARY RD
UNINCORPORATED MULTNOMAH COUNTY**

GENERAL INFORMATION

Applicant: Traci A Parker, Owner/Applicant 503-784-0672
01350 SW Military Rd
Portland, OR 97219-8385

Charles Hagen, Architect
Burry-Trice Architects
815 NW 13th Ave, Studio B
Portland, OR 97209

Site Address: 01350 SW MILITARY RD

Legal Description: TL 700 4.26 ACRES, SECTION 34 1S 1E
Tax Account No.: R991340090
State ID No.: 1S1E34DA 00700
Quarter Section: 4130
Plan District: None
Other Designations: Unincorporated Multnomah County
Zoning: R20, Residential 20,000
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Design Review approval for a new addition and detached garage at the historic Lewis H. Mills House on SW Military Rd. The Lewis Mills House is a Nationally Registered Historic Place. The two-story addition proposed will extend the gable roof form of the existing house to the south and expand the western facing two-story porch. A new brick chimney will sit at the southern edge of the addition. The proposed one-story detached garage will be located north of the house and include a gable roof and 3 parking bays. The addition

and garage will be clad in wood siding and composition roofing to match the existing house materials. All new windows and doors will consist of wood and will match the style of the original systems on the house. The carriage house style garage doors will also be comprised of wood.

Exterior alterations to a historic property require Historic Design Review

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- 33.846 Historic Reviews
- 33.846.060.G Historic Approval Criteria

ANALYSIS

Site and Vicinity: The site is located in the Abernethy Heights subdivision at the edge of Dunthorpe in southwest Portland. The existing building on this site is designated a Nationally Registered Historic Place and was originally known as the Lewis Mills House. This 20th Century structure was originally built as a country retreat in 1929. Six years later, in 1935 Lewis Mills enlarged and remodeled the building into a primary residence. The house is a wood frame structure on a concrete foundation with a full basement and a gable roof. The Georgian Colonial style home has a central mass that projects forward from two flanking wings, and a third wing sits perpendicular to the northern wing, running east to west. The siding consists of painted wood horizontal drop siding with corner boards. Windows are double hung multi-lite wood sash with prominent architrave molding. Decoration is minimal with simple wide frieze underneath the slightly overhanging roof eave.

The SW Military Road is designated as a Local Service Walkway and Bikeway.

Zoning: The R20 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.

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 on **August 29, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review; and
- Life Safety (Building Code) Section of the Bureau of Development Services.

The Site Development Section of the Bureau of Development Services responded with the following comment:

“Site Development has no objection to the requested land use review. The applicant should refer to Site Development comments for pending building permits 08-150361 RS and 08-150366 RS for information about sanitary sewer, stormwater management, and erosion control requirements for this project.”

Please see Exhibit E.1 for additional details.

The Lake Oswego Fire Marshal responded with the following comment:

“ACCESS

The roads and drives meet the minimum requirements for emergency access set by the Oregon Fire Code. The fire department does request information on the gravel drive to the back of the property to know if it would support fire apparatus in the winter time.

WATER SUPPLY FOR FIRE PROTECTION

There is one fire hydrant directly across from the main driveway and a second fire hydrant available 240' past the house towards the dead end. The available fire flow is 2,000 gallons per minute. This is adequate water for fire protection for a building up to 6,200 square feet. The square foot measurement must include all levels and any attached garage(s).

If the total square footage of the existing and proposed is in excess of 6,200 square feet an alternate method such as a residential fire sprinkler system would be required throughout the entire structure (existing and proposed). The fire marshal's office recommends the applicant consider a fire sprinkler system, whether it is required or not. After numerous fires, fire sprinkler systems are becoming more and more common to protect irreplaceable historic buildings and the occupants."

See Exhibit E.2 for additional details.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **August 29, 2008**. No written comments in response to the proposal have been received from the neighborhood association or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic/Conservation Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

G. Approval criteria based on the Standards of the Secretary of the Interior:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: The historic character of the property will be retained and preserved. No removal of historic materials or alterations of features will occur. The new two-story addition will be added to the south side of the existing structure. The addition's gable roof form, window and door styles, porch elements, siding, trim work, materials, detailing will match the original residence, and therefore the historic character will be maintained and preserved. The proposed detached garage will be added in the rear of the property adjacent to the existing attached garages. The new garage will also consist of a gable roof and wood siding to match the original house. Additionally, new carriage style doors will further help to retain the historic character of the home. *This criterion is therefore met.*

- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings: The historic home will remain in tact and unchanged, continuing to act as a physical record of its time, place and use. The proposed alterations simply expand the residential use and will match the original building style, thus avoiding any false sense of historic development from other buildings. *This criterion is therefore met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: The historic home has been added to numerous times since it was originally built. These additions and changes to the property that have occurred over the years will not be altered, preserving any historic significance they have acquired. *This criterion is therefore met.*

- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: The property remains well maintained. There are no historic features that require repair or replacement. *This criterion is therefore met.*

- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: All historic materials will be protected and will not be disturbed by the proposed alterations. *This criterion is therefore met.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: There are no significant archeological resources on the property. *This criterion does not apply.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: The existing residence has been added on to over the years and each addition is distinct by stepping in plane from the abutting existing structure and also stepping down in height. As a result the home has established a pattern of telescoping additions. The new two-story southern addition follows this theme by stepping the new mass back from the existing and also stepping the new gable roof down from the adjacent existing roof, distinguishing old from new. The new garage is a detached structure at the rear of the property and thus is clearly distinct from the historic home. Additionally, all new windows, doors and garage doors will consist of up-to-date, energy efficient systems, further differentiating them from the original doors and windows on the home. *This criterion is therefore met.*

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and

finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 8 and 10: Both the new southern addition and the new garage closely relate in form to the original home through the use of the gable roof that matches the existing roof slope. The addition also steps down in height and in general is smaller in mass and scale than the existing house, allowing for the larger historic portion of the home to remain as the primary structure. The garage, as well, is a smaller secondary mass, enabling the historic home to remain as the primary element on the site. All new dormers on the addition will match existing in roof form and slope, materials and detailing. The new masonry chimney on the addition is placed at the southern edge of the structure, reinforcing a pattern of chimneys located at the end of a distinct mass found on other parts of the home. Additionally, the chimney has been carefully detailed with banding elements that closely relate to the patterning on existing historic chimneys. Additionally, both the new garage and addition will consist of wood siding and composition roofing that matches the existing residence. All new windows and doors will consist of wood and be traditional in style and detailing, matching the existing original window and door systems. All trim work, porch element and details have been thoughtfully designed to match the historic home. As a result, the applicant's traditional approach and careful attention to detail and to matching the existing historic features has created an addition and new garage that are compatible with the original home as well as with older homes in the vicinity. *These criteria are therefore met.*

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings: The proposed two-story addition is it's could be removed without any impact to the integrity of the historic structure. The proposed garage is detached and thus could easily be removed from the property with no consequences to the existing residence. *This criterion is therefore 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The new addition and new detached garage have been designed to closely relate to the Georgian Colonial style of the original home, as well as act as secondary elements on the property. Thus, the historic character and integrity of the home has been preserved. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new two-story addition and detached garage, per the approved plans, Exhibits C.1 through C.9, signed and dated October 1, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-151584 HDZ. No field changes allowed."

Decision rendered by:  on October 1, 2008.
By authority of the Director of the Bureau of Development Services

Decision mailed: October 3, 2008

Staff Planner: Abigail Fowle

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 1, 2008, and was determined to be complete on August 27, 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 August 1, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 17, 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.

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 190th, Portland, OR 97233.

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.

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 Landmarks Commission 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 Landmarks Commission 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 **October 20, 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:

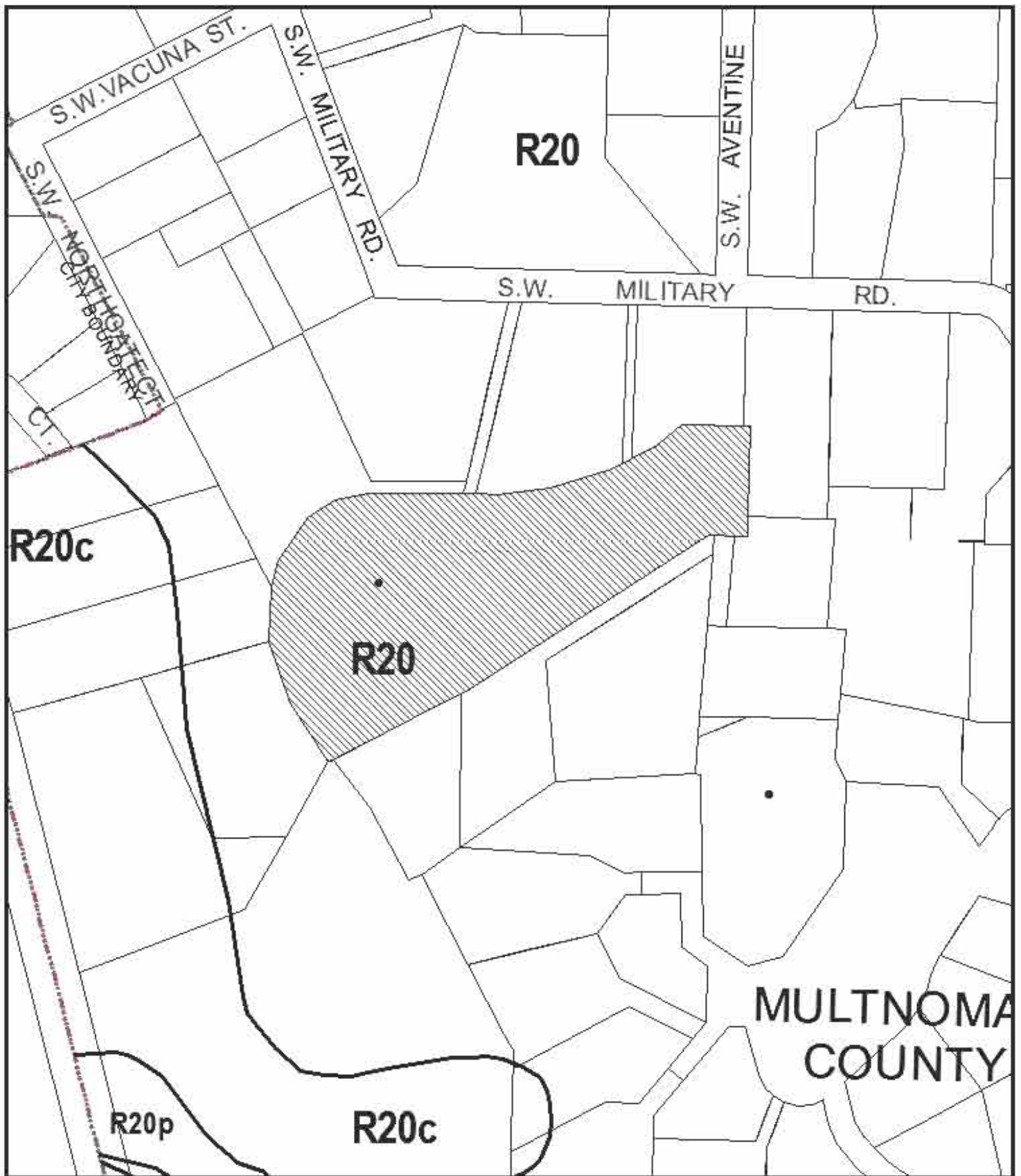
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS


NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Partial Floor Plan of Addition
 - 3. Building Sections
 - 4. Partial Elevations
 - 5. East & West Building Elevations (attached)
 - 6. North & South Building Elevations (attached)
 - 7. Window Details & Roof Plan
 - 8. Garage Elevations, Floor Plan, Section & Details (attached)
 - 9. Porch Railing Detail
- 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
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Site Photos

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

 Historic Landmark



File No.	<u>LU 08-151584 HDZ</u>
1/4 Section	<u>4130.4230</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E34DA 700</u>
Exhibit	<u>B (Aug 04, 2008)</u>

BT | BURRY-TRICE ARCHITECTS
1000 SW 15th Ave
Portland, OR 97205
503.228.1111

ALTERATIONS:
PARKER RESIDENCE
1530 SW MILITARY ROAD
PORTLAND, OREGON
97219

SITE PLAN



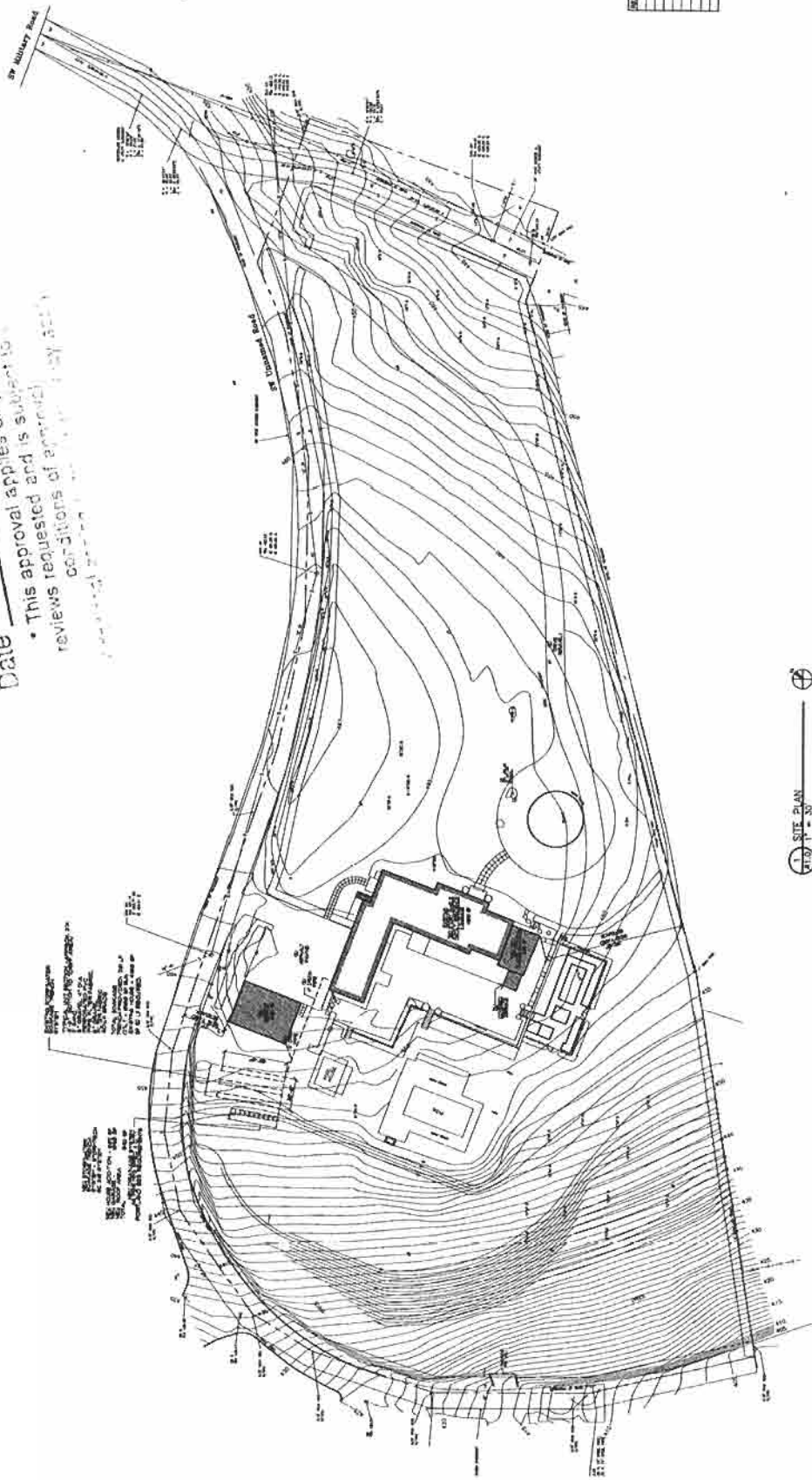
NO.	DATE	REVISION

EXCISE DATE
AUG 28, 2008

LU 08-151584 **A1.0**
HPDZ
Eyn.C.1

Approved
City of Portland
Bureau of Development Services
Planner August R
Date 10/1/08

This approval applies only to the
reviews requested and is subject to
conditions of approval.



11 SITE PLAN
1/8" = 1' - 30'

Approve,
City of Portland
Bureau of Development Serv.
Planner *Boyd T. R.* 10/1/08

Date _____
 • This approval applies only to the reviews requested and is subject to additional zoning requirements may apply

BT | BURY-TRICE ARCHITECTS

1111 SW 10TH AVENUE
 PORTLAND, OREGON 97219

ALTERATIONS
 PARKER RESIDENCE
 01150 SW MILITARY ROAD
 PORTLAND, OREGON 97219

GARAGE FLOOR PLAN
 EXTERIOR ELEVATIONS
 DETAILS



NO.	REVISION

PLOT DATE:
 JULY 09, 2008

A3.0
 b.h.c.8

LU 08-151584 HD2

