



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

Date: December 23, 2008
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@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 08-175092 AD

GENERAL INFORMATION

Applicant: John & Roberta Williams
11241 SW Boones Ferry Road
Portland, OR 97219

Representative: Larry Porter
Porter Properties, LLC
5510 SW Dover Loop
Portland, OR 97225

Site Address: 11231 & 11241 SW Boones Ferry Road

Legal Description: TL 3700 1.00 ACRES, SECTION 33 1S 1E; TL 3600 0.53 ACRES, SECTION 33 1 S 1 E

Tax Account No.: R991330430, R991331090

State ID No.: 1S1E33AB 03700, 1S1E33AB 03600

Quarter Section: 4128

Neighborhood: Arnold Creek, contact Nancy Hand at 503-452-9483.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Other Designation: Potential Landslide Hazard Area

Zoning: Residential 10,000 (R10)

Case Type: Adjustment (AD)

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant is requesting an adjustment to Street-Facing Facades in R10 though R2.5 Zones (33.110.232) to allow the façade of an existing dwelling to maintain 8.2 percent windows as opposed to modifying the existing structure to meet the 15 percent requirement as a result of new street frontage created by an associated land division (LU 08-157986 LDS AD).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.805.040 A.-F., Approval Criteria for Adjustments.**

ANALYSIS

Site and Vicinity: The existing dwelling is located at 11241 SW Boones Ferry Road and is setback approximately 90 feet from the right of way. A land division request is currently under review together with the adjacent property to the north (11230 SW Boones Ferry Road) for a 5 lot subdivision with a private street. The new private street will be located north of the existing dwelling that will be retained on Lot 1. The façade of the existing dwelling subject to this review is adjacent to the side (north) lot line of proposed Lot 1, a portion of which will be located six feet above the street grade, separated by a retaining wall.

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.

Land Use History: A land division (LU 08-157986 LDS AD) is currently under review which prompted this adjustment request.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 19, 2008**. The Bureau of Environmental Services, Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS, Bureau of Parks, Forestry Division and Life Safety Plans Examiner all have no concerns regarding the adjustment proposal (Exhibit E-1).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 19, 2008. One written response was submitted from an adjacent property owner which expressed concerns relevant to the associated land division request with no content addressing this adjustment review (Exhibit F-1).

ZONING CODE APPROVAL CRITERIA**APPROVAL CRITERIA FOR ADJUSTMENTS****33.805.010 Purpose**

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.

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

- 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 street facing façade requirements (33.110.232) so that the north façade of an existing structure may maintain approximately 8.2 percent windows as opposed to adding windows to meet the 15 percent requirement. The purpose of the regulation is listed below:

- **Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;**
- **Enhances public safety by allowing people to survey their neighborhood from inside their residences; and**
- **Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.**

As a result of a current land division request (08-157986 LDS AD) a new private street will be located north of the façade of the existing house subject to this review. Therefore, a condition of approval was imposed requiring the north façade of the existing house to comply with street facing façade requirements. The applicant has indicated that 8.2 percent of the north façade that will face the new private street is composed of windows; approximately 6.8 percent less than the minimum required by the Zoning Code. The main entrance and garage door of the house are oriented towards SW Boones Ferry Road. This façade (east) is composed of approximately 26 percent windows and main entrance door and therefore exceeds the requirement of the zone. The windows located on the north façade are primarily located in the main bedroom of the house which is inherently in regular use and therefore will readily allow residents to survey the neighborhood from this room inside the house. The north façade is broken into two sections with a minor projection from the main facade of 3-4 feet in the northwest portion of the house which limits the appearance of a large expanse of blank street-facing façade. The location of the windows in a commonly used room of the façade of the home facing the new private street ensures that there will be a visual connection between the living area of the house and the street. Based on this information, 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 subject property is located in outer southwest Portland, where development typically consists of single family homes on larger lots. The new private street will provide access to four other lots within the subdivision that will be made available for single dwelling development consistent with the R10 zone. The front façade of the home which faces SW Boones Ferry Road exceeds the required amount of windows. The north façade of the house that will face the new private street, although deficient in the required amount of windows, will provide a visual connection between the living area of the house and the street which can help support public safety and livability. In addition, as described in the findings of criterion E below, additional landscaping will be required along the north façade of the house creating a more visually pleasing area. Therefore, 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 requested. This criterion is not applicable.

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

Findings: The site does not contain any scenic or historic resource designations. This criterion is not applicable.

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

Findings: While the allowance for the façade of an existing dwelling, adjacent to a new private street, to maintain a substandard amount of windows is not anticipated to create a significant detrimental impact, measures may be taken to break up the façade and create additional visual interest. Therefore, the applicant will be required to provide foundation landscaping along the north façade of the house consistent with community design standards for required landscaping of primary structures in single dwelling zones (33.218.100.A.1). This requirement calls for landscaping along the foundation of a structure to be at least 3-feet wide in area and contain one 3 gallon shrub for every 3 lineal feet of foundation with ground cover plants covering the remainder of the landscaped area. With the condition of approval described above, 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 overlay zone. 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.

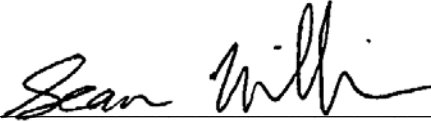
CONCLUSIONS

The applicant proposes one adjustment for an existing house as a result of new street frontage created through a subdivision. As noted in this report, the proposal to allow the north façade of the existing house to maintain 8.2 percent windows is able to meet the adjustment approval criteria based on substantial conformance with applicable standards and established situations on the site and in the surrounding neighborhood. With approval requiring foundation landscaping along the north façade of the house, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an adjustment to Street-Facing Façade requirements (33.110.232) to allow the façade of an existing dwelling to maintain 8.2 percent windows per the approved site plan and photographs, Exhibits C-1 through C-3, subject to the following conditions:

1. The applicant shall acquire a zoning permit to plant foundation landscaping along the north façade of the house consistent with the provisions of 33.218.100.A.1.

Decision rendered by:  on December 19, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 2008

Staff Planner: Sean Williams

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 November 3, 2008, and was determined to be complete on November 17, 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 November 3, 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 January 6, 2009** 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.

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 **January 7, 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:

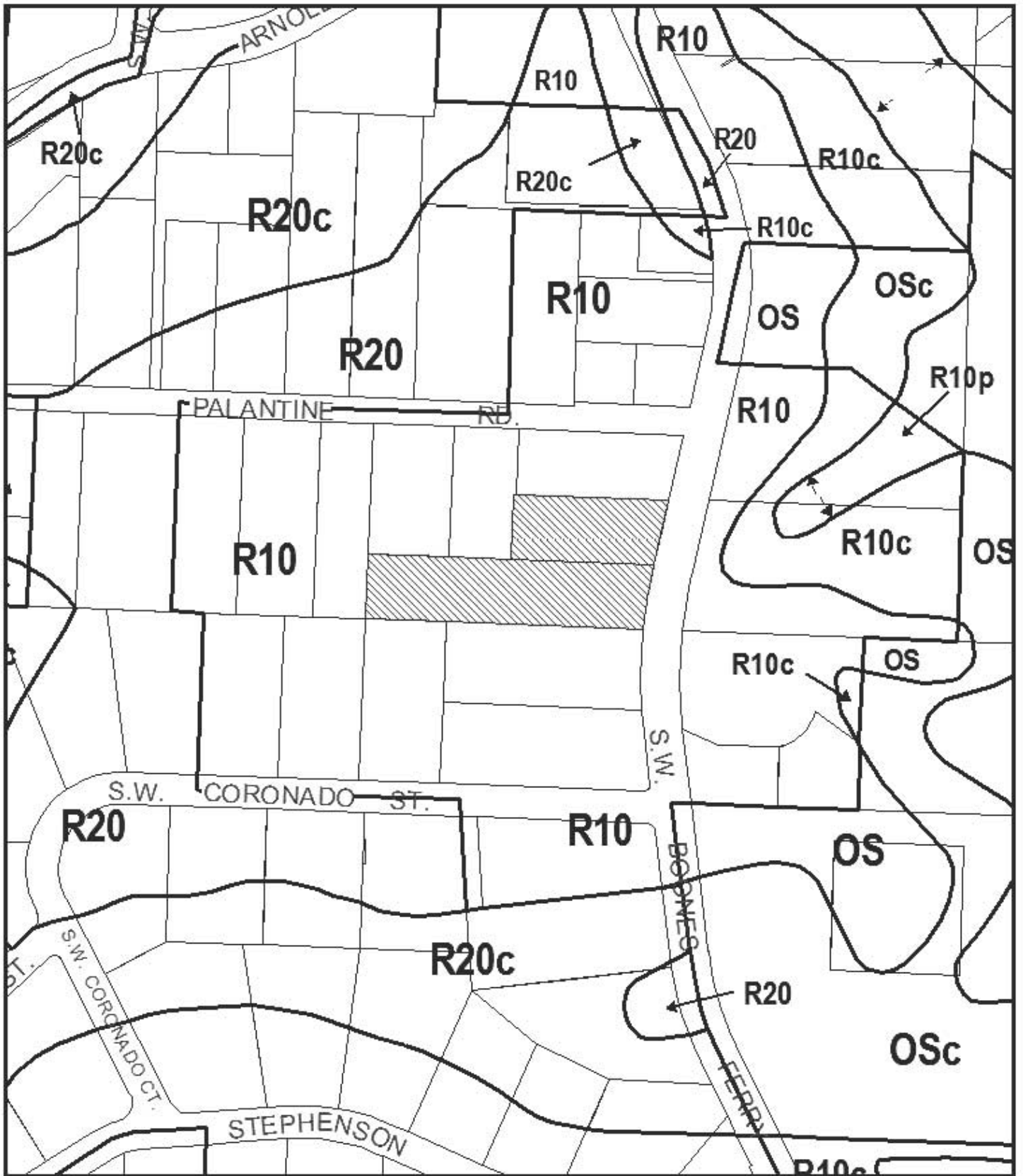
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North façade 1 (attached)
 - 3. North façade 2 (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services; Bureau of Transportation Engineering and Development Review; Water Bureau; Fire Bureau; Site Development Review Section of BDS; Bureau of Parks, Forestry Division; Life Safety Plans Examiner.
- F. Correspondence:
 - 1. Eugene & Tamara Lewis; 924 SW Palatine Street (11/30/2008)
- 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. LU 08-175092 AD

1/4 Section 4128

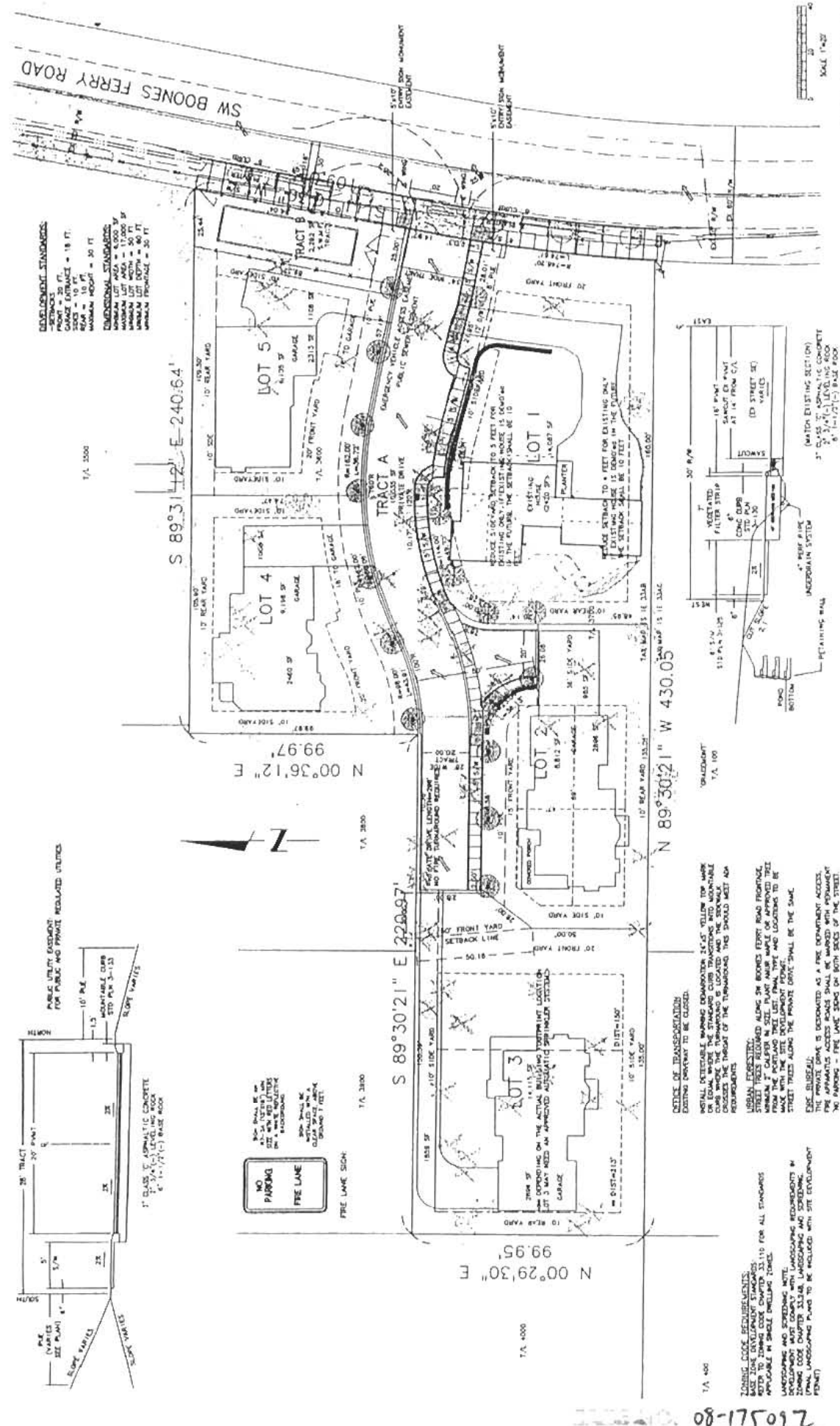
Scale 1 inch = 200 feet

State_Id 1S1E33AB 3600

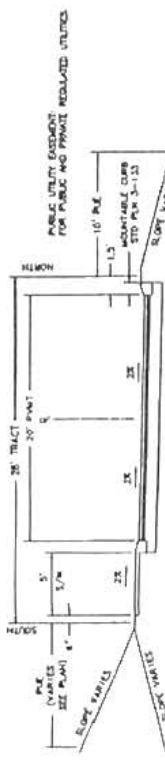
Exhibit B (Nov 05,2008)



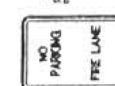
NORTH



DEVELOPMENT STANDARDS:
 SETBACKS
 GARAGE = 20 FT.
 SIDEWALK = 18 FT.
 SIDEWALK = 10 FT.
 SIDEWALK = 10 FT.
 SIDEWALK = 10 FT.
DIMENSIONAL STANDARDS:
 MAXIMUM LOT AREA = 11,000 SF
 MAXIMUM LOT WIDTH = 50 FT.
 MINIMUM FRONT YARD = 20 FT.



1" CLASS C ASPHALTIC CONCRETE
 6" (1.75") BASE ROCK



FIRE LANE SIGN

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

SCALE 1/4" = 1'-0"

TRILLIUM PARK
 11231 AND 11241 SW BOONES FERRY ROAD
 PRELIMINARY PLAN
 GENERAL CONDITIONS

HMC Harris-McMonagle
 Associates, Inc.
 ENGINEERING - SURVEYING - PLANNING
 8740 SW Scotts Street, Tigard, Oregon 97223
 TEL (503) 639-3463 FAX (503) 639-2222

JOHN AND ROBERTA WILLIAMS
 11241 SW BOONES FERRY ROAD
 PORTLAND, OREGON 97219
 (503) 784-8308

DATE: 1/22/08

REFER TO TRACKING FOR LATEST REVISION

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

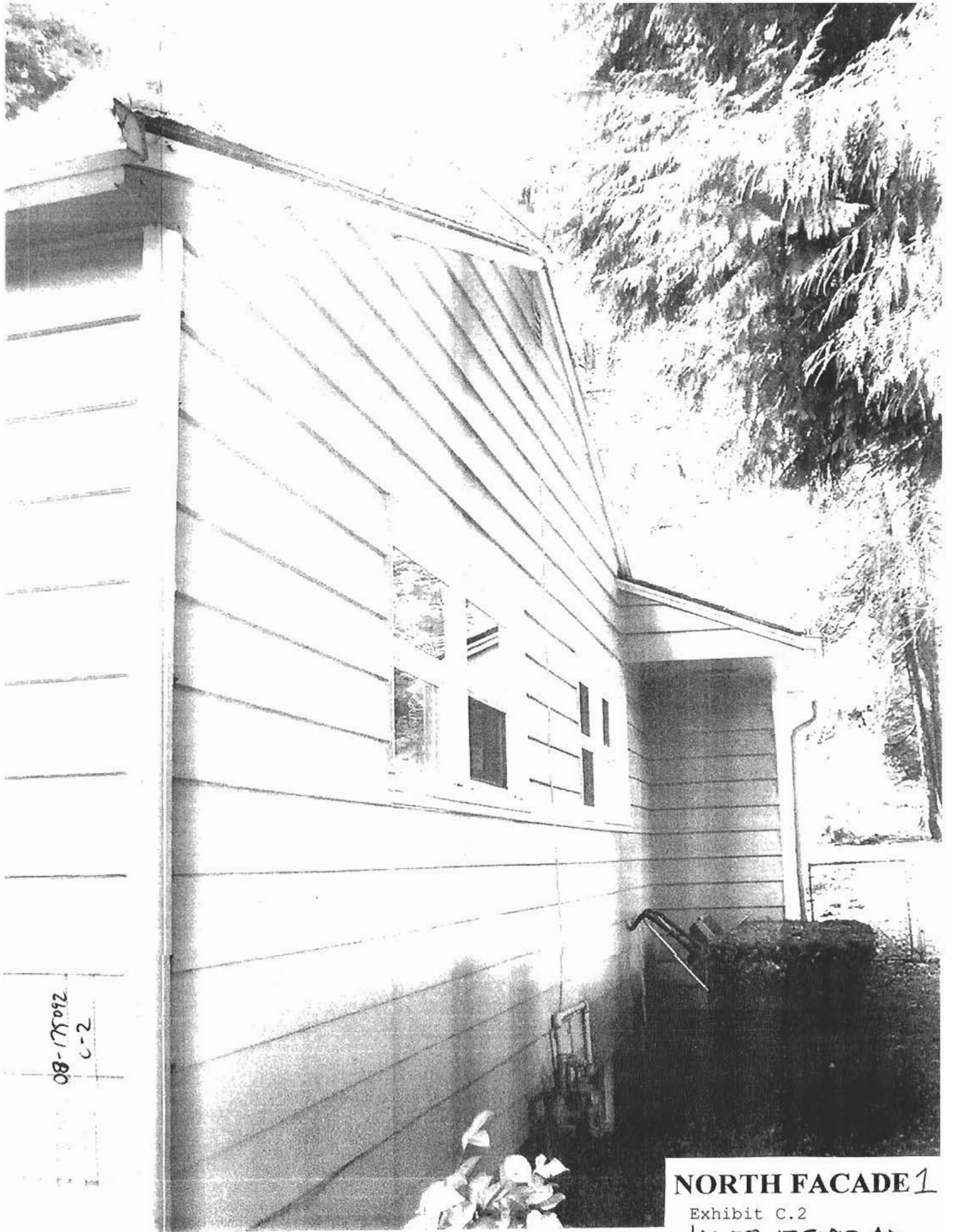
NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE

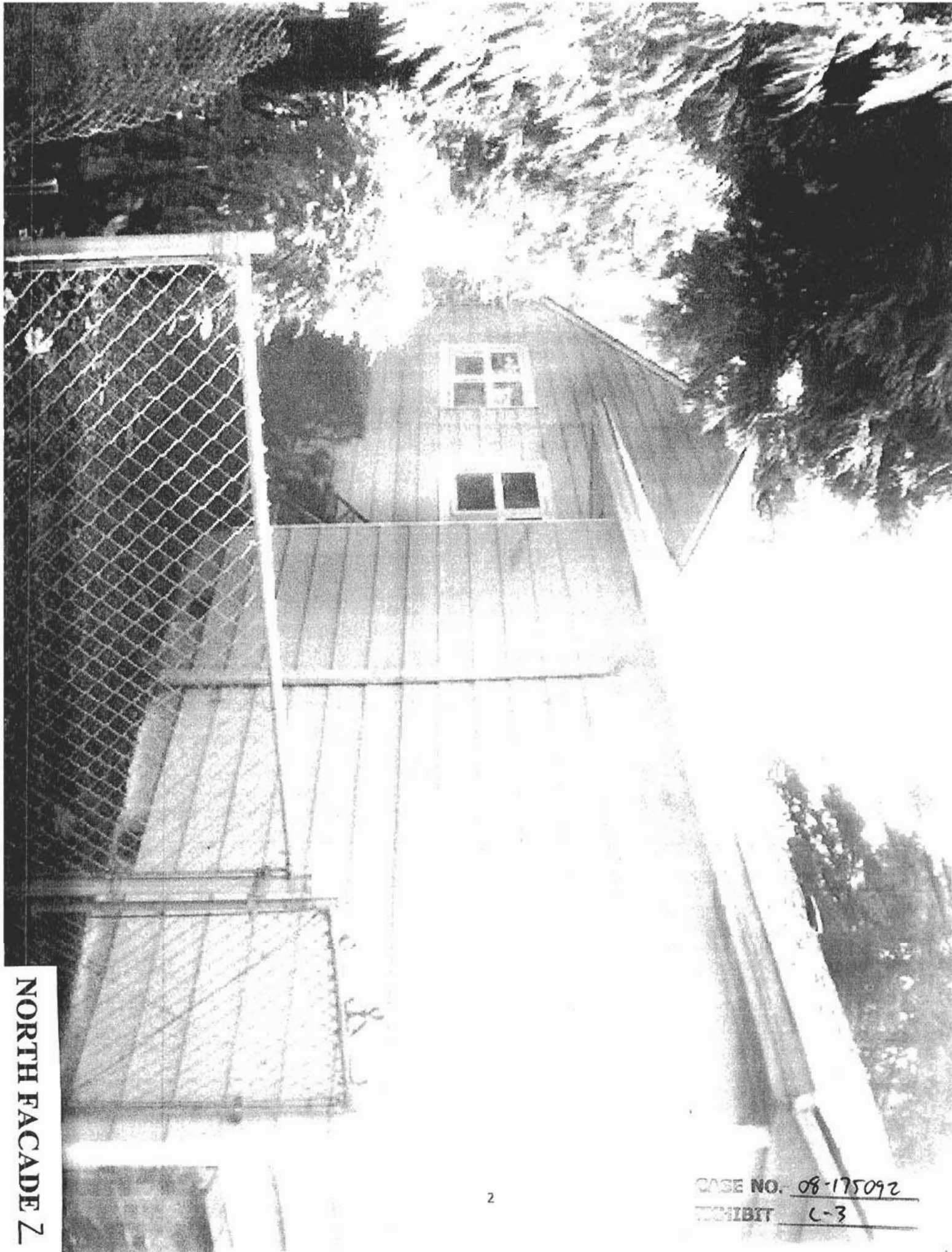
NO PARKING
 FIRE LANE

NO PARKING
 FIRE LANE



08-175092
C-2

NORTH FACADE 1
Exhibit C.2
LU 08-175092 AD



NORTH FACADE Z