



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

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Date: January 29, 2009
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-823-7840 / WickstromM@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 08-123322 AD

GENERAL INFORMATION

Applicant: Cameron Dutz
12365 SW Marion
Tigard, OR 97223

Property Owner: Helle V Nathan
5171 SW Hewett Blvd
Portland, OR 97221-2207

Site Address: 2 vacant lots immediately southeast of 4605 SW Ormandy Way

Legal Description: LOT 1 BLOCK 34, GREEN HILLS; LOT 2 BLOCK 34, GREEN HILLS
Tax Account No.: R340306640, R340306670
State ID No.: 1S1E07AD 01000, 1S1E07AD 01100
Quarter Section: 3324

Neighborhood: Bridlemile, contact Karen Tabata at 503-292-4377
Southwest Hills Residential League, contact Nancy Seton at
503-224-3840

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

Zoning: R10 (Residential 10,000)

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

Proposal:

Staff note: Several modifications have been made to the project originally described in the Notice of Proposal mailed on August 8, 2008. Among the changes, the amount of building coverage requested has decreased from 5,616 square feet to 4,460 square feet and side setbacks have increased from 10 feet on both sides to 24 feet on the west side and 16 feet on the east side. The

increased side setbacks allow for the preservation of additional trees. The following description and Adjustment Review decision reflect the revised proposal.

The property owner plans to construct a single-dwelling house on two vacant lots located between SW Hewett Boulevard and SW Ormandy Way. The home is designed to maximize the amount of day-to-day living area on a single-level with auxiliary functions located on the lower level and, because the lots are steeply sloped, to provide sufficient exterior deck area to meet outdoor recreation needs. According to a survey and calculations provided by the applicant, the combined area of the two lots equals 17,732 square feet and the Portland Zoning Code limits the total allowed building coverage on the lots to 4,130 square feet. Building coverage includes the area of a site which is covered by buildings or other roofed structures as well as elevated decks, walkways and driveways which are more than 6 feet above grade. Plans submitted by the applicant show a total of 4,460 square feet of proposed building coverage with the exterior deck and elevated portions of the driveway and walkway accounting for approximately 1,200 square feet of this total building coverage. The applicant requests one Adjustment to increase the maximum allowed building coverage for the site from 4,130 square feet to 4,460 square feet – an increase of 2 percent above the building coverage which is allowed by right.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of 33.805.040 A-F, Adjustments.

ANALYSIS

Site and Vicinity: The 17,732 square foot site is currently wooded and undeveloped. The site is composed of an approximately 7,000 square foot lot and an approximately 10,000 square foot lot. It has frontage on SW Hewett Boulevard to the north and SW Ormandy Way to the south. The site has a very steep 41 percent slope, with the higher elevation located at the north of the site. The surrounding vicinity is developed with single-dwelling residences most of which are built on steeply sloping lots. Generally speaking, the homes are larger than the average single-dwelling residence in Portland. Many of the homes in the vicinity have been constructed with reduced setbacks from the street and many homes, aside from most in the immediate vicinity of the site, appear to be at least 3 stories in height when viewed from a lower elevation.

Zoning: The site is zoned R10 (Residential 10,000). The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet. As both lots which compose the site meet the minimum lot size standard, two homes could be built on this site. However, the R10 zone does not have minimum density standards so it is possible to construct a single home on the two lots which compose the site.

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 **August 8, 2008**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services responded with information on sanitary services, stormwater management and water resources. Following the receipt of additional information regarding stormwater management, BES provided an addendum to the original response which states that the stormwater proposal is conceptually approveable and BES did not object to the Adjustment proposal (Exhibit E-1).

The Site Development Section of BDS responded with information on sanitary services, stormwater management, development plans and infiltration testing. A follow-up response defers to the BES assessment that the stormwater proposal is conceptually approveable (Exhibit E-2).

The Fire Bureau responded that the applicant should verify that existing fire flow from the fire hydrant will provide adequate flow and pressure for the proposed development and fire flow will be reviewed during the permit review process (Exhibit E-3).

The Bureau of Transportation responded that dedications or improvements along SW Hewett and SW Ormandy will not be required as part of the land use review; however, waivers of remonstrance will be required prior to approval of the building permit. The response notes that the circular driveway is supported by PDOT, however no structures including planters will be allowed in the right-of-way (Exhibit E-4).

The Life Safety Section of BDS and the Water and Parks Bureaus responded with no concerns (Exhibit E-5).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 8, 2008. A total of six written responses have been received from notified property owners in response to the proposal.

The first response came from a property owner who lives to the west of the site. The response states that the project does not respect the sloping wooded hillside or the character of the neighborhood. It states that the home would overwhelm the immediate neighbors and the scale and size of the home would detract from the livability and appearance of the neighborhood. The respondents state that the desire for living space on one level or exterior decks does not constitute criteria for approval. The respondents state that the site is large enough to construct a home without requesting an Adjustment.

Staff response: Issues related to the scale and size of the home are addressed as part of the findings below as are issues related to livability and appearance.

The second response came from a property owner who lives to the east of the site. The response describes the proposed home as a “monstrosity” and states that no persuasive arguments have been made to justify an increase beyond the amount of building coverage allowed by right.

Staff response: Issues related to the bulk and massing of the proposed home are addressed as part of the findings of this review. It is not customary for a Notice of Proposal to include findings which support or oppose an Adjustment request, those are contained within the decision which isn't issued until after the public comment period.

The third response came from neighbors who live to the east of the site. The response expresses concern about the bulk of the proposed home and whether it exceeds the maximum allowed height. The response states that the proposed home would impact the “light and airiness” of SW Ormandy Way.

Staff response: The Zoning Code includes a provision which allows homes constructed on steeply sloping lots to be 23 feet taller than the average grade of the street (33.110.215.D.1). The proposed structure meets this standard as measured from SW Hewett Boulevard.

The fourth response came from a property owner who lives to the west of the site. The response states strong opposition to the requested Adjustment and questions whether the project meets Zoning Code height and setback standards. The response states that a 40 percent increase to the building coverage standard is “unnecessary, out of character with the land to structure ratio and pattern of the neighborhood, (and) overwhelming in bulk compared to the adjoining structures”. The response states that a three-story structure is out of character with the other homes in the neighborhood as is a 10-foot front setback. The response questions whether the description of the proposal is accurate as the proposed home is taller than one level when viewed from SW Ormandy Way. The respondent states that in order

to approve the requested Adjustment, the City must first find that the character of the neighborhood has changed or that City policy has changed in favor of increased lot coverage. The response states that grading and vegetation removal will be necessary which is contrary to the characteristics of the “wooded residential neighborhood”. The response states that “the structure will dwarf the buildings on either side and significantly detract from their livability”. The response states inadequate mitigation has been proposed considering that trees will be removed and site grading may occur.

Staff response: The Zoning Code includes exceptions to the minimum setback standards for homes constructed on steeply sloping lots (33.110.220.D.4.a). The project meets this exception. The project has been redesigned so that the requested increase to building coverage is 2 percent over what is allowed by right rather than the originally proposed 40 percent increase. The description in the Notice of Proposal stated that the project is “designed to maximize the amount of living area on a single-level” not that the house is a single story. This description has been further clarified as part of this decision. The statement that the City must find that the character of the area has changed or change City standards in favor of increased building coverage describes a legislative procedure. Any property owner may request an Adjustment to certain development standards in the Zoning Code as described in 33.805, these requests are processed as quasi-judicial procedures. Issues related to bulk, massing and livability are evaluated as part of the findings below.

The next letter came a neighbor who lives across SW Ormandy Way from the site. The letter includes similar objections to the extent of the original proposal and bulk of the home as viewed from SW Ormandy Way as other letters previously cited. The letter is critical that the home isn’t designed “to follow the slope” and is described as “working against the slope”. The letter states that the “semi-circular driveway” puts the house further down the slope which creates the need for very tall deck supports. The neighbor suggests moving the home closer to SW Hewett Boulevard which would “give the design the ability to follow the slope and not be as tall and massive as seen from Ormandy Way below”. The letter states that the design of the home is out of character with the neighborhood and criticizes the siding. The letter is also critical that the original proposal only showed the home meeting the minimum side setbacks. The letter suggests that if the size of the home were decreased it “would be more sensitive to the scale and siting”.

Staff response: The applicant provided a written response to the neighbor’s suggestion that the home be moved closer SW Hewett Boulevard in order to reduce the massing of the home. The response points out that a minimum 10-foot front setback is required by the Zoning Code. The response also states that the practical area requirement for vehicular access to the property was balanced with the front setback requirement to achieve the proper building placement on the site. The applicant also states that moving the home a couple feet toward SW Hewett Boulevard will not significantly change the massing or the deck column length.

The final letter came from the neighbors who live immediately east of the site. The letter includes a drawing which shows the size of the home to the east in comparison to the size of the proposed home and describes the original proposal as a “massive over-development of the site”. The letter states that the steep slope of the site will further exacerbate the bulk of the proposal especially when viewed from SW Ormandy Way. The letter states that the original proposal is out of character with the R10 zone. The neighbors state that the main floor and decks of the proposed home are too close to the shared property line and will impact privacy. The letter states that homes in the neighborhood are typically secluded and surrounded by trees and shrubs. The neighbors state that the proposal does not meet the “intent or criteria” or 33.110.282 – the chapter of the Zoning Code which describes tree planting and retention in single-dwelling zones. The neighbors repeat objections that the home is not designed into the slope of the site. The letter is critical of the appearance of the house and states that it does not fit in with other homes in the neighborhood except from “ranch” style homes which the neighbors state also do not fit in with other homes. The letter is critical that materials are not labeled on the drawing and states the windows appear “random and inconsistently arranged”.

The letter states that the angled design and projection of the garage will make it appear more dominant along SW Hewett Boulevard. The letter states that a design concept which attempts to maximize the living area on one level is a “flawed concept for sloping sites” because views are often of the subfloor walls, stilts and bracing. The neighbors are critical of the overall floor area of the home and state that adequate mitigation has not been addressed as part of the proposal. The letter expresses concern that the proposal does not meet the height and street-facing façade standards of the Zoning Code (33.110.215 and 33.110.232).

Staff response: Issues related to the bulk and scale of the proposal are addressed as part of the findings of this decision. The side setbacks have been increased so that the garage is now set back a minimum of 16 feet from the east side property line and the deck is a minimum of 42 feet from that property line. The site plan and an attached elevation drawing now indicate trees which are intended to be preserved. The proposal meets the requirements of 33.110.282 Trees, 33.110.215 height and is exempt from 33.110.232 Street-facing façade and requirements that the garage be set back from the front façade of the home due to the slope of the site. As the site is not located within a Design overlay zone, additional design scrutiny does not apply to the site and this review can only evaluate the bulk and massing of the proposed home not the siding or the window placement. The applicant provided a written response to statements about the overall design concept and the potential to view the subfloor. Regarding the design concept the applicant states that “our society encourages the older population to take advantage of ‘universal design’ where daily living activities such as cooking, dining, laundry, bathing, and rest can be accomplished without barriers. Ours is a practical approach to design in order to accommodate persons with permanent and temporary disabilities... The neighbor’s comment suggests that persons seeking an independent lifestyle should be denied building on sloping lots”. Regarding the potential for views of the subfloor, the response states that the applicant/architect has suggested that the lower levels be enclosed with siding material in order to prevent exposure of the subfloor, plumbing and mechanical building elements. The response states that the patio/deck columns will be visible however, the use of wood is not advised because of “increased maintenance and aesthetics”. The proposal is to use a combination of steel and concrete which “will provide a cleaner aesthetic than the timber cross bracing seen in older homes on sloped lots”.

ZONING CODE APPROVAL CRITERIA

Title 33.805.10 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 code’s regulations would preclude all use of the site. Adjustment reviews provide flexibility for unusual situations and to 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 Adjustment Approval Criteria

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

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

Findings: The applicant requests one Adjustment to increase the maximum allowed building coverage for the site from 4,130 square feet (calculated based on the survey provided) to 4,460 square feet. The purpose of the building coverage regulation is listed below.

Purpose 33.110.225 Building Coverage

The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

The Adjustment request would result in approximately 330 square feet additional building coverage over what is allowed by right. This amounts to a 2 percent increase – a small increase to the allowed building coverage which would not be significantly visually apparent if compared to the amount of building coverage allowed by right.

Approximately 1,200 square feet of the proposed building coverage is the result of the driveway and decks which are more than 6 feet above grade. The Portland Zoning Code classifies structures such as decks and driveways constructed more than 6 feet above grade as contributing to building coverage. However, as neither the decks nor the driveway are enclosed, they do not add considerable bulk or massing to the structure. Were the decks and driveway not counted as building coverage, the total for building coverage would be approximately 3,260 square feet which is almost 900 square feet less than what is allowed by right. In order to ensure that the proportion of deck and driveway building coverage to overall building coverage remains comparable to the current proposal, a condition of approval is included with this review. The condition states that building coverage related to decks and driveways must comprise at least 25 percent of the overall building coverage. This condition ensures that decks are not enclosed at a later date which would create additional bulk and massing for the home.

The fact that the property owner is planning to develop one home on two buildable lots is also relevant. Were the lots developed separately, significantly more building coverage would be allowed. The approximately 7,000 square foot lot would be allowed up to 2,550 square feet of building coverage and the approximately 10,000 square foot lot would be allowed up to 3,000 square feet of building coverage. This amounts to a combined total of approximately 5,550 square feet of building coverage for the two lots which is over 1,000 square feet more than the 4,460 square feet of building coverage proposed by the applicant.

As noted in the purpose statement, the building coverage standards, together with the height and setback standards control the overall bulk of structures. Since the original Notice of Proposal was mailed for this project, the applicant has increased the side setbacks from the 10-foot minimum to 24 feet on the west side and a minimum of 16 feet on the east side. The setback of the deck to the east property line is 42 feet. These increased setbacks help to reduce the overall scale and bulk of the proposed home.

The increased side setbacks allow a greater potential for the preservation of trees located on the east and west sides of the proposed home. These trees and those located between the home and SW Ormandy Way will help to screen the home from the surrounding neighbors. The trees will also provide visual relief which reduces impressions of the bulk of the structure. In order to ensure that these trees remain, a condition of approval has been included with this review. However, some of the trees are of such a size and close enough to the proposed home that they do not meet the tree preservation standards of the Zoning Code and a replanting equivalency is necessary to be included with this condition. Therefore, the condition states that the applicant must submit a tree preservation plan at the time of building permit review. The plan must show a total of 15 mature trees (minimum of 6 caliper inches in size) are required for preservation at this site. Trees which meet the root protection standards (found in 33.930.140) must be preserved and protected during construction (as specified in 33.248.068). The locations of these trees must be in general conformance with the 15 existing trees labeled on the attached site plan. If a tree cannot be preserved, is damaged during construction, or if it dies for any other cause, it must be replaced with 2 evergreen trees. These replacement trees must be native, a

minimum of 6 feet in height at the time of planting and must be planted in the same general location as the tree they are replacing.

With this condition and based on the information above, 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 proposal will not significantly detract from the livability or appearance of the residential neighborhood. The amount of building coverage which exceeds the amount allowed by right is minimal and the Adjustment request has allowed public notice, project review and conditions of approval which wouldn't be required were an Adjustment not proposed. Although the project exceeds the maximum allowed building coverage, it is designed with side setbacks which exceed the minimum in the R10 zone. This allows for further separation between the new residence and those to the east and west which helps promote privacy. In fact, the decks, the areas which would most impact privacy for adjacent sites, are set back at least 42 feet from the east and west property lines or 4 times the minimum building setback in the R10 zone. As for the appearance of the home, it is in an area with many large homes and the overall scale should not appear significantly different from many other homes, especially considering that it will be partially screened by existing mature trees. The preservation of trees also provides an appearance that the home has been built into the existing landscape – a common feature of homes in the area. Due to the setbacks as well as the presence of trees on the site, the home should not decrease the availability of light and air for surrounding residences. Based on this information, this criterion is met.

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

Findings: Impacts resulting from the Adjustment are adequately mitigated especially considering that the request has decreased from a 40 percent increase in building coverage to a 2 percent increase. Mitigation includes the preservation and/or planting of trees which will help screen the home from neighboring properties. Mitigation also includes increased side setbacks and outdoor areas (the decks) which are set back 4 times more than the minimum required in the R10 zone. 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
- D.** City designated scenic resources and historic resources are preserved; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Only one adjustment is requested, the site does not contain any identified scenic or historic resources and the site is not located in an environmental zone; therefore, these criterion are 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.

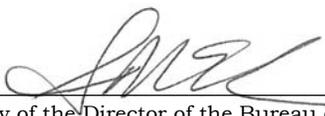
CONCLUSIONS

The applicant proposes one Adjustment to increase the maximum allowed building coverage for a new home planned to be constructed on this site. As noted in this report, the proposal is able to meet the Adjustment approval criteria with approval granted based on the tree preservation/planting conditioned as part of this review, the requested 2 percent (rather than 40 percent) increase in allowed building coverage and the increased side setbacks for the home and the decks. With approval requiring that permit drawings substantially conform with the site plan attached as well as the proportion of deck and driveway building coverage to the overall building coverage, the request meets the applicable criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.110.225 to increase the maximum allowed building coverage from 4,130 square feet (based on the survey provided by the applicant) to 4,460 square feet for the proposed home, per the approved site plan, Exhibits C-1, signed and dated January 27, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-123322 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Building coverage related to decks and driveways must comprise at least 25 percent of the overall building coverage.
- C. At the time of building permit review, the applicant must submit a tree preservation plan. The plan must show a total of 15 mature trees (each a minimum of 6 caliper inches in size) will be preserved at this site. Trees which meet the root protection standards (found in 33.930.140) must be preserved and protected during construction (as specified in 33.248.068). The locations of these trees must be in general conformance with the 15 existing trees labeled on the attached site plan. If a tree cannot be preserved, is damaged during construction, or if it dies for any other cause, it must be replaced with 2 evergreen trees. These replacement trees must be native, a minimum of 6 feet in height at the time of planting and must be planted in the same general location as the tree being replaced.

Decision rendered by:  on January 27, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed: January 29, 2009

Staff Planner: Matt Wickstrom

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 April 18, 2008, and was determined to be complete on August 5, 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 April 18, 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 waived the 120-day review period, as stated with Exhibit #A-4.

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 February 12, 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 **February 13, 2009 – (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.

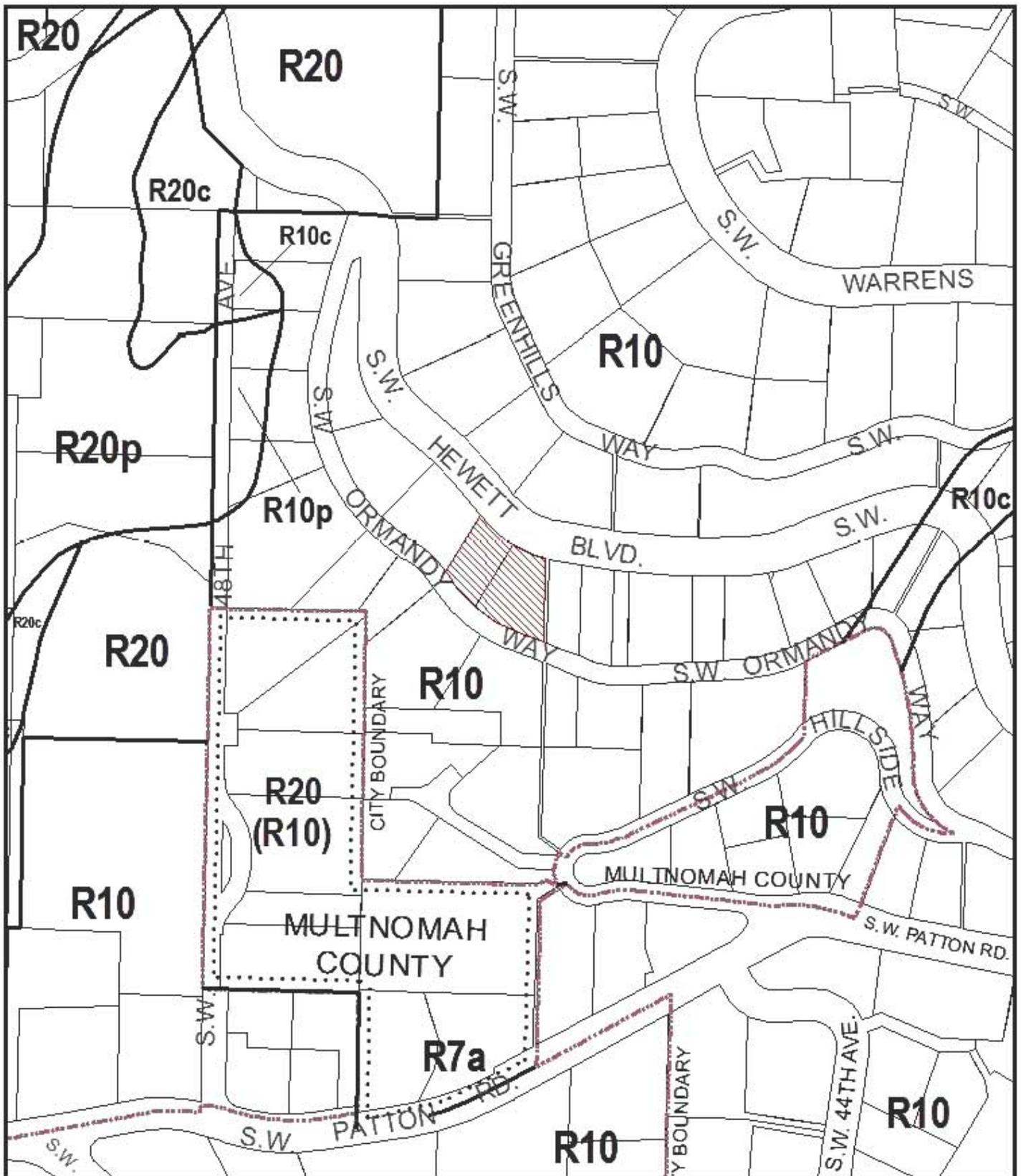
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 and Original LU Application
 - 1. Incomplete letter from Matt Wickstrom to Cameron Dutz dated May 2, 2008
 - 2. Supplemental submittal received August 1, 2008
 - 3. Supplemental submittal received August 5, 2008
 - 4. Request to waive 120-day decision deadline received September 2, 2008
 - 5. Supplemental submittal received December 16, 2008
 - 6. Supplemental submittal (survey drawing) received December 17, 2008
 - 7. Supplemental submittal received December 30, 2008
 - 8. Supplemental submittal received January 20, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front and Rear (South) Elevations (attached)
 - 3. Side (East and West) Elevations (attached)
 - 4. South Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Fire Bureau
 - 4. Bureau of Transportation
 - 5. Summary Sheet of Bureau Responses
- F. Correspondence:
 - 1. Roger and Julianne Shiels, August 15, 2008, opposition
 - 2. William E Frerichs, August 20, 2008, opposition
 - 3. Frederic and Jo Ann Tower, August 23, 2008, opposition
 - 4. Carole Connell, AICP, August 27, 2008, opposition
 - 5. Stacy Parker, received August 27, 2008, opposition
 - 6. Paul and Grace Jeffreys, August 22, 2008, opposition
- G. 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 08-123322 AD
1/4 Section	3324
Scale	1 inch = 200 feet
State_Id	1S1E07AD 1000
Exhibit	B (Apr 22, 2008)

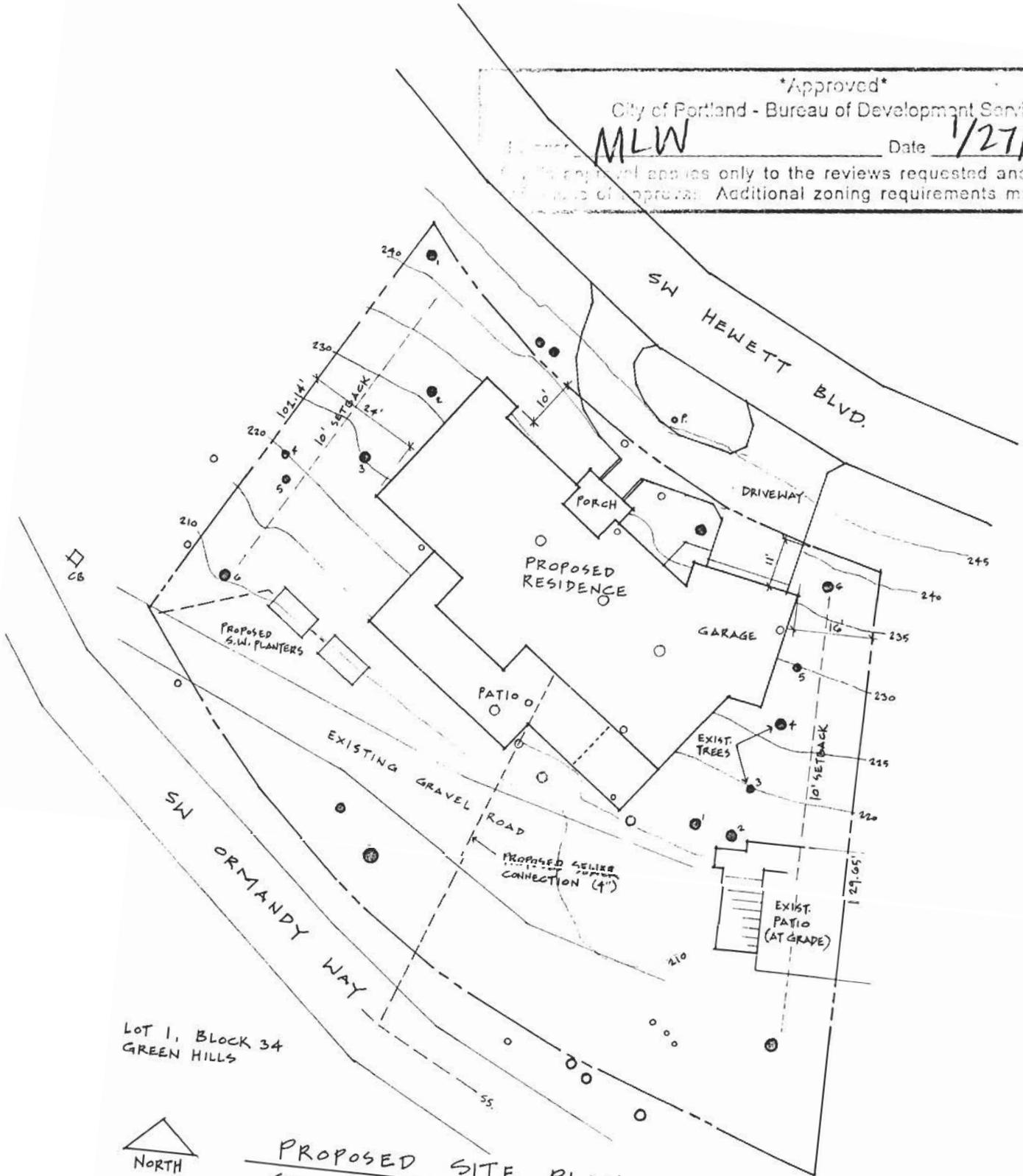
Approved

City of Portland - Bureau of Development Services

MLW

Date 1/27/09

This approval applies only to the reviews requested and is subject to the terms of approval. Additional zoning requirements may apply.



LOT 1, BLOCK 34
GREEN HILLS



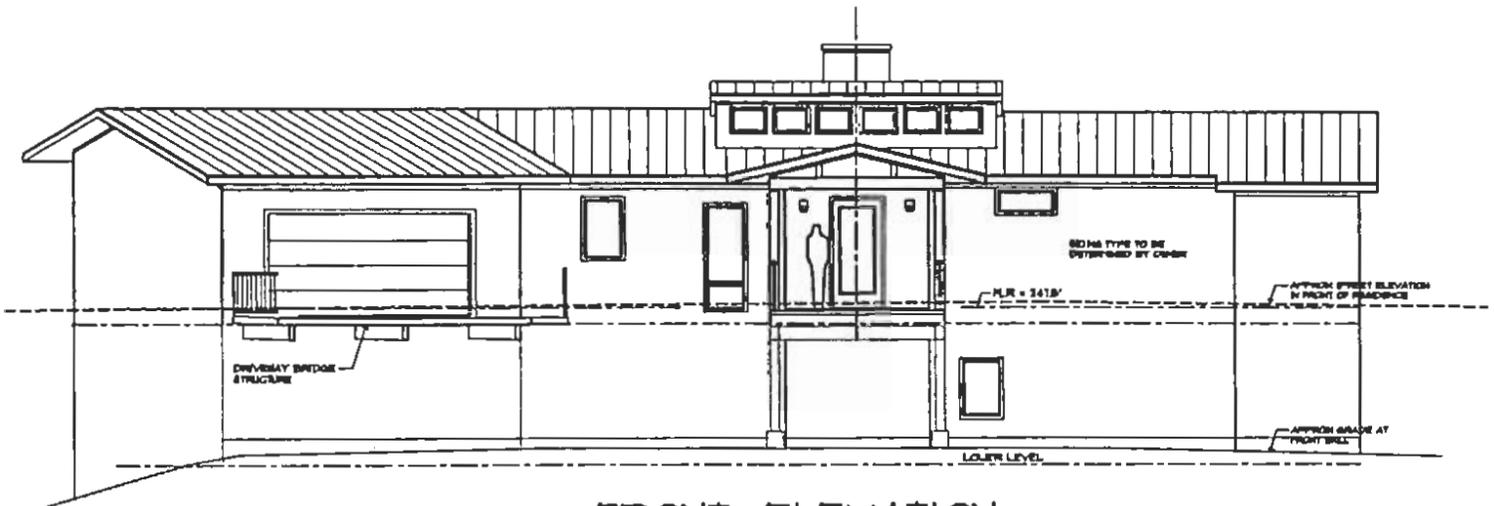
PROPOSED SITE PLAN
SCALE 1" = 20 FT.
12-1-08

HELLE NATHAN - OWNER
CAMERON P. DUTZ ARCHITECT, LLC.

LU 08-123322 AD
Exhibit C.1

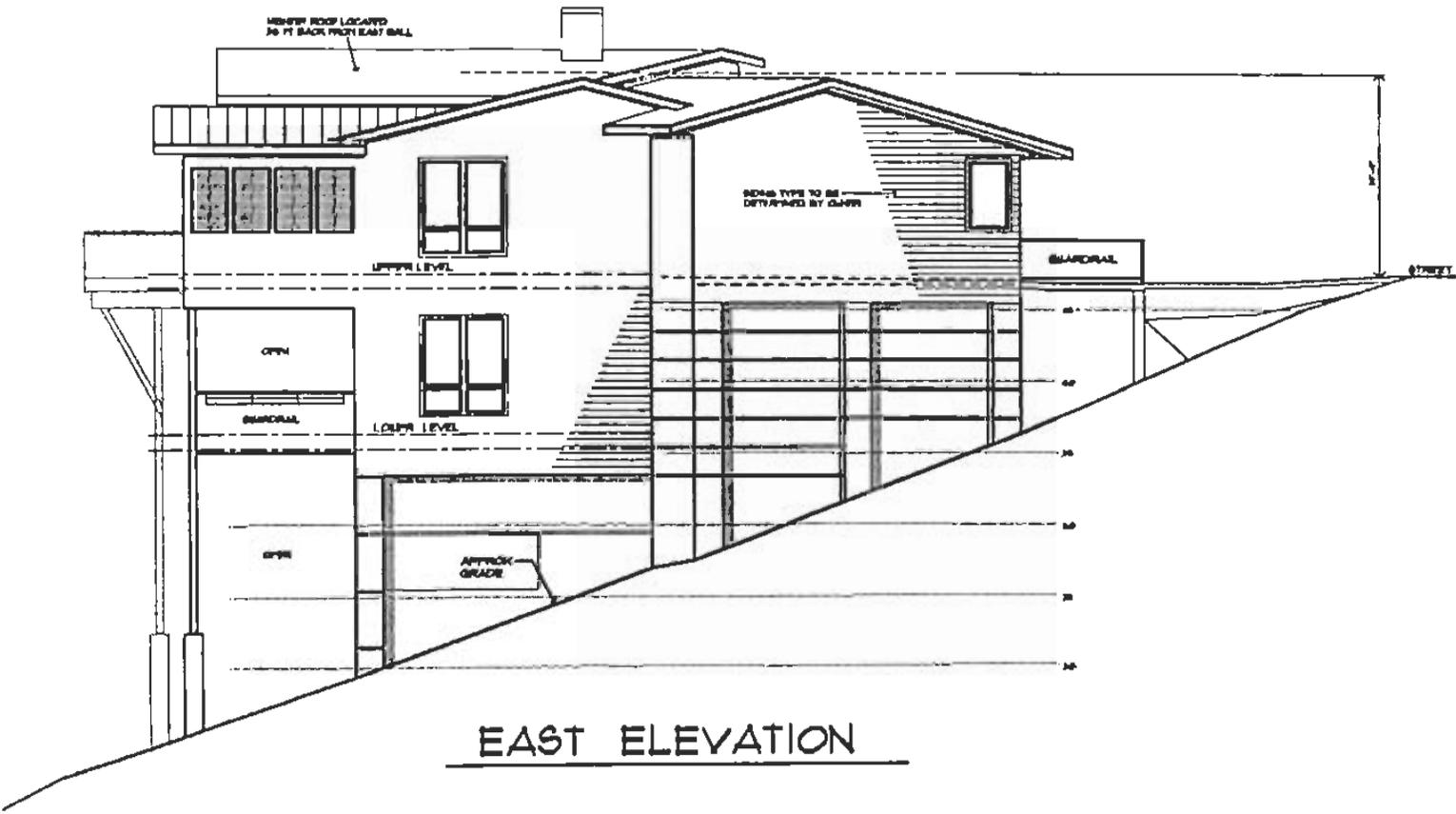


SOUTH ELEVATION

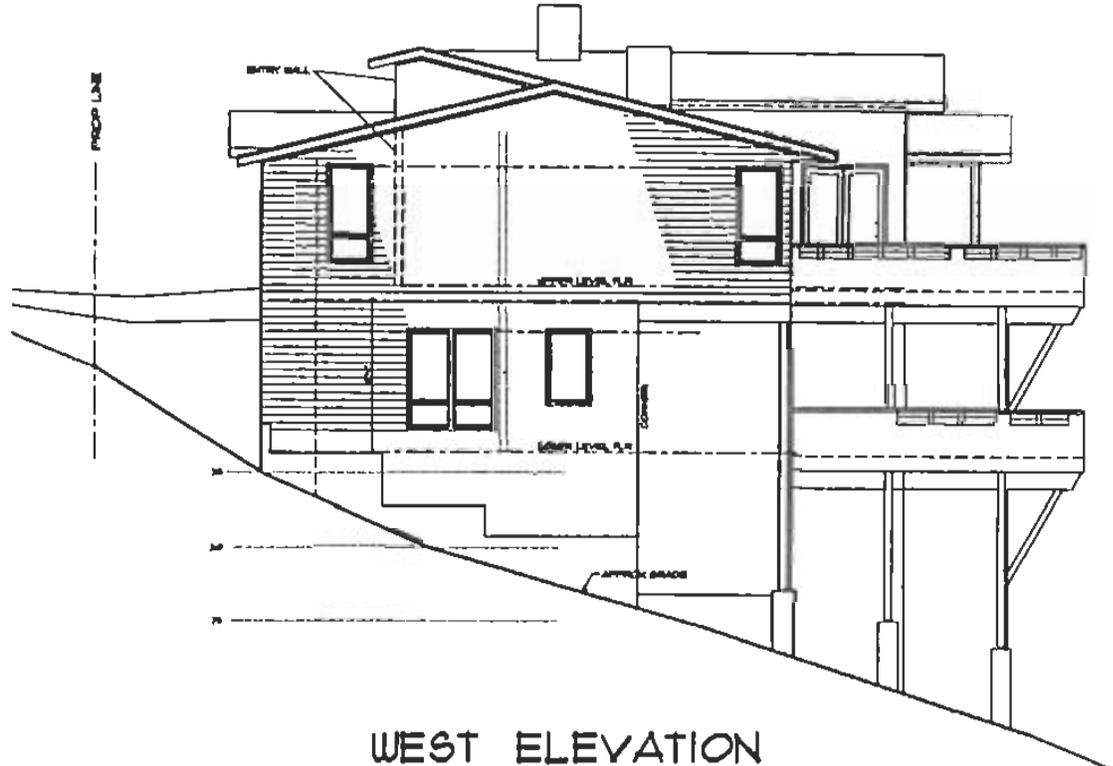


FRONT ELEVATION

LU 08-123322 AD
Exhibit C.2

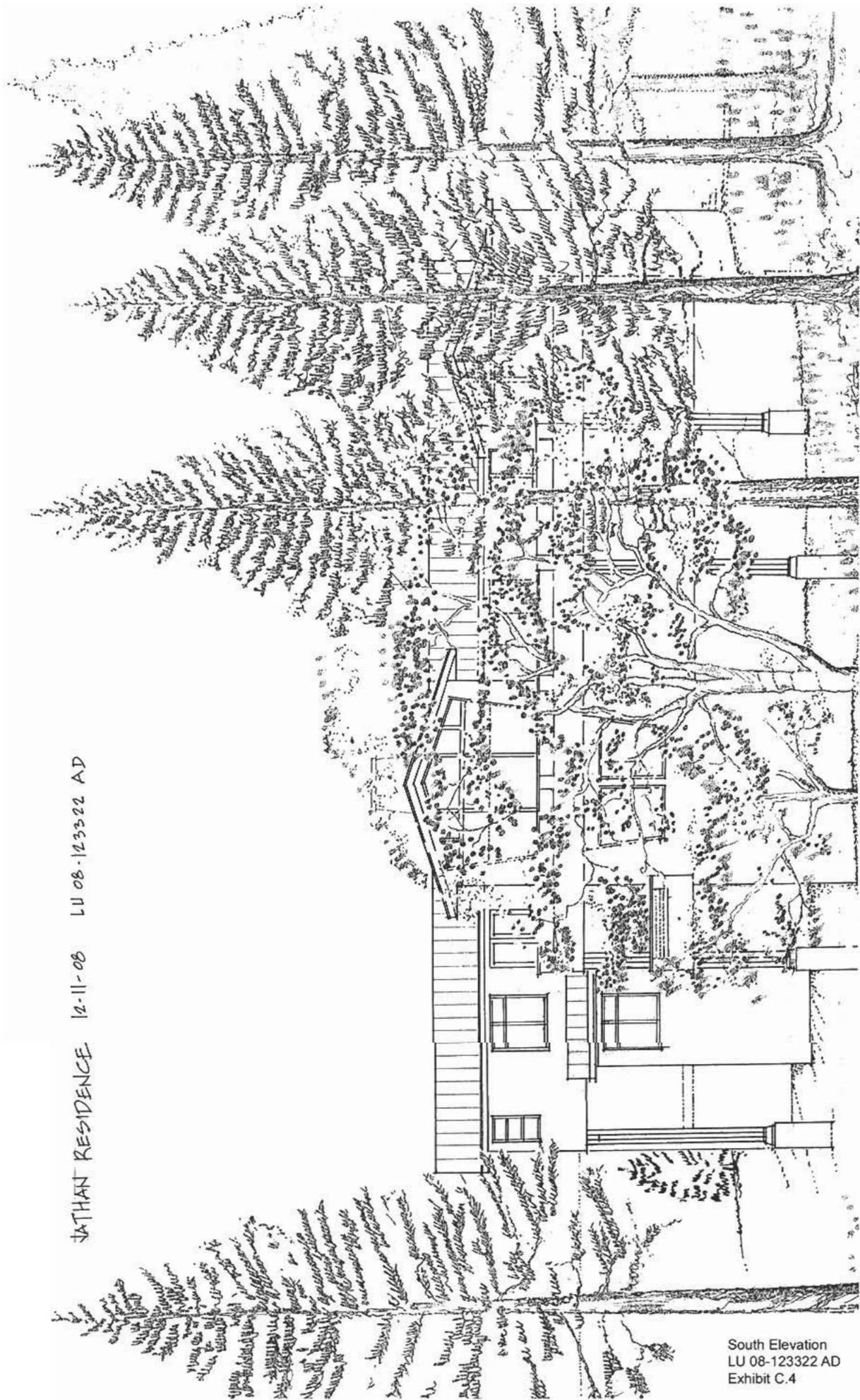


EAST ELEVATION



WEST ELEVATION

NATHAN RESIDENCE 12-11-08 LU 08-123322 AD



South Elevation
LU 08-123322 AD
Exhibit C.4