



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

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

**Date:** February 26, 2009  
**To:** Interested Person  
**From:** Crystal Hitchings, Land Use Services  
503-823-7583 / [Crystal.Hitchings@ci.portland.or.us](mailto:Crystal.Hitchings@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 08-180303 AD**

#### **GENERAL INFORMATION**

**Applicant:** Greg Vissia  
2340 N Winchell St  
Portland, OR 97217

**Site Address:** 2340 N WINCHELL ST

**Legal Description:** N 44' OF E 7' OF LOT 13 BLOCK 35 N 44' OF LOT 14 BLOCK 35 N 44' OF W 6' OF LOT 15 BLOCK 35, KENTON

**Tax Account No.:** R445913290

**State ID No.:** 1N1E09DC 07300

**Quarter Section:** 2228

**Neighborhood:** Kenton, contact Steve Rupert at 503-317-6573.

**Business District:** Kenton Business Association, contact Echo Leighton at 503-285-7234.

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Zoning:** R5a, Single-dwelling Residential 5,000 with an Alternative Design Density Overlay Zone

**Case Type:** AD, Adjustment Review

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

#### **Proposal:**

The applicant is proposing an Adjustment to **Section 33.110.220** and **Table 110-3, Setbacks**, to allow a detached accessory shed to be located in the southwest corner of the site at a 0-foot setback from the rear and west side property lines. The shed measures 4 feet deep by 7 feet wide, and is approximately 8.25 feet tall, measured to the midpoint of the gable. The overall height is 9.5 feet. The shed was constructed to emulate the design features of the primary structure and has a corrugated asphalt roof and shingle siding.

The R5 zone requires side and rear building setbacks of 5 feet for accessory structures. An exception under 33.110.250, Accessory Structures, allows covered accessory structures that

are 6 feet or less in height (measured at the midpoint of the gable) to be located within side and rear setbacks. Therefore, an Adjustment is required to allow the 8.25-foot shed to be located at 0 feet. The subject site is located within The Kenton Conservation District. However, because the shed is located at least 40 feet from the front property line, it is not subject to Historic Design Review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

**ANALYSIS****Site and Vicinity:**

The 1,672 square foot site is located on the south side of N. Winchell Street, between N. Omaha and N. Delaware Avenues, and is developed with a single-story, single-dwelling home originally built in 1910. The site is elevated slightly above N. Winchell Street and held by a low retaining wall, and the main living area of the home is elevated above the grade of the site. The house sits in the center of the lot with side, rear, and front yards of approximately the same depth, 7 feet. Parking is provided off-site. In this location, N. Winchell Street is designated as a Local Service Access Street, and is developed with a 9-foot planting strip, 6-foot sidewalk, and an additional 1-foot right-of-way behind the sidewalk.

Within 200 feet of the subject site, development is mainly single-story residential. Eight of the 18 lots on this particular block range in size from 1,584 to 1,760 square feet. Development on these lots is dense, with homes occupying most of the lots and outdoor space being minimal. Rear setbacks and distances between homes are very minimal. These homes do not have detached accessory structures, but from aerial photos many of them appear to have enclosed porches or other additions to the main structure, typically at the rear of the home. Lots at each end of the block and across the street are larger and less dense. Many of these larger, less dense lots contain detached accessory structures that are located within side and rear setbacks.

**Zoning:** The base zone is R5, which is a high-density, single-dwelling residential zone. Surrounding properties within the area are also zoned R5. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. Single-dwelling zones allow attached and detached single-dwelling residential structures. The R5 zone requires a minimum side and rear setback of 5 feet.

The Alternative Design Density overlay zone is intended to focus development on vacant sites, preserve existing housing, and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The proposal does not trigger the development standards of this overlay zone.

The subject site is located within the Kenton Conservation District (KCD). Due to the type and location of the structure, it is not subject to the specific design guidelines of the district. The KCD describes the historic significance of structures built using ornamental concrete block (the subject home does not appear to be constructed with any ornamental concrete block). The first housing objective of the Kenton Neighborhood Plan intends to enable residents to maintain their homes.

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

**Agency Review:** A "Request for Response" was mailed on January 30, 2009. The following Bureaus have responded with no issues or concerns (Exhibits E.1-E.4):

- Fire Bureau
- Bureau of Transportation Engineering

- Water Bureau
- Bureau of Parks-Forestry Division

The following Bureaus have submitted additional comments:

- The **Site Development Section of BDS** (Exhibit E.5): noted that stormwater runoff from the shed roof must be managed with onsite stormwater facilities to the maximum extent practical. Onsite infiltration is feasible at this location. The applicant must install gutters and downspouts on the shed and direct those to a pervious and/or vegetated area in the yard.
- The **Life Safety Bureau** (Exhibit E.6): noted that no building permit is required.
- The **Bureau of Environmental Services** (Exhibit E.7): BES has no objections to the proposed Adjustment but recognizes that stormwater requirements are not met.

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on January 30, 2009. A total of six written responses have been received from notified property owners in response to the proposal. Two letters were written in opposition, the rest in support of the request.

One letter, received via e-mail, expressed general support of the request and stated that the proposed shed is compatible with the neighborhood and that it is difficult to construct and locate structures in the small lots along N Winchell Street.

A second letter, from the adjacent neighbor to the rear of the subject site, was written in opposition of the request. Opposition was focused on fire safety. The respondent stated that their home is located 3 feet from the common rear property line, and the associated eave is located about 1.5 feet from the property line, and that the materials used on the shed do not meet code requirements for sheds built within 3 feet of the property line. The respondent expressed concern that gasoline could be stored in the shed. Additionally, the respondent noted a framed but unfinished structure in the SE corner of the lot, not shown on the site plan, and stated that they would also object to this structure if it creates hazardous conditions.

A third letter, written in support of the proposal by an adjacent neighbor, noted that the original, attached shed-roofed portion of the subject home had previously been removed, eliminating any existing storage space. The respondent stated that the storage shed was thoughtfully designed and constructed, and is a well-appointed addition to the property. The respondent noted that some privacy may have been created between lots by the shed’s placement. The respondent also noted that the subject site has no lawn and no room for trees and shrubs, and therefore no need to store gas-powered implements in the shed.

A fourth letter, written in support of the proposal by an adjacent neighbor, described the structures’ compatibility with the historic context of the property and neighborhood. The respondent stated that two nearby homes, built in 1905, would likely have had similar accessory structures because indoor plumbing was rare before 1910, and because storage would also have been as important as it is today. The letter included photographs of historic structures that are similar in shape and size to the subject shed. The respondent also noted that storage of gasoline would be unlikely due to the lack of lawn. The respondent stated that the applicant chose a wise placement and structural design that should be approved.

A fifth letter, written in support of the proposal by a nearby neighbor who has also served as general contractor to the applicant, discussed some of the neighborhood’s history of construction and special site circumstances resulting from that history. The respondent noted that the applicant’s home and those around it were built as part of a group constructed as high-density worker housing around 1910, and that these homes all have aspects that would not meet current codes. The respondent noted that, during renovations to the subject home, many nonconforming issues were dealt with, but that off-street parking and outdoor storage were not able to be addressed. The respondent stated that the shed provides a necessary accessory use, was built in a tasteful manner in accordance with the color and style of the

home, and aids in promoting privacy in a dense cluster of homes, and can only improve the quality of life for residents of the site.

A sixth letter, written in opposition of the proposal by the Kenton Neighborhood Association (KNA), discussed concerns about the proximity of the shed to the home on the adjacent lot to the rear. The KNA noted that the site is amongst a group of atypically-sized lots and that primary structures on these lots do not receive the same open area of separation between primary structures as do other lots in the neighborhood. The KNA also noted that “most of the properties along this block have only a primary residence and no secondary structures leaving the side yards fully open from front to rear property lines” and that the location of the shed in the rear corner “would impede this typically open zone between primary structures.” The KNA added that general building scale and placement, reasonable physical relationship, and required outdoor areas may be compromised by the proposal. The KNA also noted the existence of the second accessory structure in the northeast corner of the lot.

*Staff Note—response to concerns raised in the letters of opposition: Both the Fire Bureau and the Life Safety Bureau have reviewed the proposal and expressed no concerns regarding fire safety or building codes. The location of the shed does not impede fire access to the subject home. The Oregon Residential Specialty (building) Code, Section R302, Location on Lot; R302.1, Exterior Walls, requires that exterior walls with a fire separation distance of less than 3 feet are required to have not less than 1-hour fire-resistive rating with exposure from both sides, including eaves, and that no projections (such as eaves) are allowed within 2 feet from a fire separation line (typically the property line). HOWEVER, Exception # 2 under this section states that: “Tool and storage sheds, playhouses, and similar structures exempted from permits by R105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.” Structures less than 200 square feet in size are exempt from permits by R105.2. Therefore, the shed is not required to be constructed to meet the fire rating standards that larger structures, homes, or garages are subject to, and is not subject to building permit requirements. The applicant stated that the yard is too small to require any gas powered equipment, and that items stored in the shed include a tool cabinet, shovel, rake, outdoor sports gear, and camping gear. Regardless, gasoline for typical residential use is allowed by right to be stored at any location on the property.*

*Although not a relevant approval criteria, it should be noted that the required outdoor area for this site is 250 square feet, and the site provides about 690 square feet of outdoor area in the side and rear yards.*

*Code Enforcement and Planning staff are aware of the existence of the unfinished structure referred to in the SE corner of the lot, and the applicant has already been informed that this structure, in conjunction with the requested shed, will not be approvable. The applicant is aware that an inspector will visit the property and that the structure will need to be removed prior to closing the code compliance case for the storage shed. Concerns related to building scale and building location typical of the neighborhood are addressed in detail within the body of the findings below.*

## **ZONING CODE APPROVAL CRITERIA**

### **33.805.010 Purpose (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 providing certainty and rapid processing for land use applications.

**33.805.040 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 33.110.220, Setbacks**. The purpose statement for this regulation is as follows:

*Purpose: The building setback regulations serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of houses in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Additionally, the purpose statement for Accessory Structures applies to this Adjustment review.

**33.110.250, Accessory Structures**

*Purpose: This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.*

As per 33.110.250.C.4, covered accessory structures such as sheds are allowed to be located within side and rear setbacks provided they are no more than 6 feet in height. As per 33.110.253.D, detached garages are allowed within side and rear setbacks provided they are located at least 40 feet from the street lot line and are no larger than 24' x 24' with a wall height of no more than 10 feet and an overall height of no more than 15 feet. Although the proposed shed is 2.25 feet higher than accessory sheds allowed by right, it is significantly smaller than detached garages allowed by right.

The shed is located north of the adjacent property to the rear and east of the adjacent property to the side. A 6-foot wooden fence is located along the common rear property line. The 4' X 7' shed is set on top of a low platform and rises approximately 4 feet (at the peak) above the fence at the rear corner of the site. Because of its location relative to adjacent lots, the small size of the shed, and the close proximity of primary structures in the neighborhood which already cast shadow onto adjacent lots, the affect of the shed on light and air for adjacent properties is not significant, if even discernable.

Fire fighting access to other areas of the property is not affected by the location of the shed in the rear corner of the site, and access remains open around all four sides of the home. The rear wall of adjacent house to the rear, according to an Adjustment processed for that site in 2000, is located 2', 9" from the common rear lot line. The adjacent house to the west is approximately 6 feet from the common side lot line, and the adjacent home to the southwest is approximately 10 feet from the common corner lot line. The Fire Bureau and Life/Safety Bureau have both reviewed the proposal and determined that there are no fire safety or fire fighting access concerns with the location of the shed. Due to its size, the shed is not subject to building permit review or fire safety construction, and is allowed by Fire and Life Safety Bureaus to be located anywhere on the lot.

The shed remains physically in proportion with the subject home and adjacent homes, and with the available open area of the site, and does not impose significant bulk onto adjacent lots. The location of the shed and physical relationship between the shed and adjacent structures reflects the existing pattern of development on this block. The adjacent home to the rear is located 2 feet, 9 inches from the property line, and a second story addition was added to that structure via a landuse review approved in 2000. The six homes to the east and the two homes two lots to the west of the subject site are separated at their rear lot lines by less than 2 feet. All 8 of these homes have rear additions, and several have front additions. The subject home does not have such an addition (it was removed during an earlier structural renovation) and retains a comparatively large rear yard that is 7 feet wide, leaving almost 10 feet between the subject home and the adjacent home to the south (rear). The adjacent home to the west is located approximately 13 feet from the subject home, and approximately 6 feet of separation from the shed remains. The adjacent home to the southwest is located approximately 17 feet from the subject home, and approximately 10 feet of separation from the shed remains. The shed was carefully designed at a minimal size to hold specific equipment while fitting the size constraints of the small lot and densely developed block. Given the modest proportions of the structure, the existing patterns of development, and the remaining separation between the shed and adjacent homes, the shed location reflects the placement of houses in the neighborhood and retains a reasonable physical relationship between residences. The shed does not include either windows or internal activity area, and does not affect the privacy of adjacent lots. The location of the shed between the outdoor areas of the subject site and the adjacent site to the west may help increase the perceived privacy between the back yards.

The purpose for regulating accessory structures is to ensure that they do not become the predominant element of the site, and to ensure that access, privacy, and open front yards are retained. It is clear that a 4'x7' accessory shed set 41 feet back from the front property line will not become a dominant structure on the site, nor will it affect the open front setback. Additionally, it is clear that privacy to adjacent lots is not affected, and may even be somewhat increased by the location of a structure between outdoor areas. Access to the structure is unimpeded on two sides, and does not affect the access of adjacent lots.

For these reasons, the purpose statements for setbacks and for accessory structures are equally met, and 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; and

**Findings:** The shed incorporates design features of the existing home, such as siding and color, and was constructed to provide the desired storage space while minimizing its physical presence on the site and in the neighborhood. The shed allows items that might otherwise be stored outside and under a tarp to be stored out of sight inside of an attractive structure. The shed is located 41 feet back from the front property line and is partially screened from the street by existing landscaping. The shed occupies a 4-foot by 7-foot area in the southwest corner of the site and the remainder of the 7-foot open area between the home and the rear and side property lines is retained. The shed is attractive and well-proportioned and does not negatively affect the appearance of the neighborhood. The location of the shed does not impinge on livability issues, such as privacy, safety, noise, light, and physical relationships. 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:** Two adjustments to setbacks are requested. 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. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes. The proposal to construct a 4' x 7' detached shed as an accessory residential use, and which does not negatively affect appearance and livability of the neighborhood or adjacent property, remains consistent with the intent of the R5 zone. This criterion is met.

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

**Findings:** City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. The subject site is located within the Kenton Conservation District (KCD), but, due to the type and location of the structure, it is not subject to the specific design guidelines of the district. The subject home is one of many homes built for workers during a construction boom based on the opening of the Swift meat packing plant. The KCD describes the historic significance of structures built using ornamental concrete block (the subject home does not appear to be constructed with any ornamental concrete block). The shed honors the architecture of the subject and adjacent homes, does not negatively affect the historic appearance of the neighborhood, and remains compatible with the overall character and appearance of the neighborhood. Therefore, this criterion is met.

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

**Findings:** The overall size of the shed respects the densely developed character of the neighborhood, and its design respects existing architecture. Livability and appearance are not significantly affected, as described under Criterion A and B above. Fire safety and access has been reviewed by the Fire Bureau and is not a concern. There are no discernible impacts that would result from granting the requested adjustment. 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. 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 4' x 7' x 8.25' shed, located in the southwest corner of the site, equally meets the purpose statement for setbacks, does not affect livability and appearance of the residential area, and respects the historical integrity of the conservation district. No negative impacts are anticipated from approval of this Adjustment. All applicable review criteria are met, and this proposal should be approved.

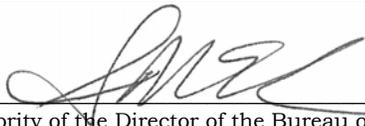
## **ADMINISTRATIVE DECISION**

Approval of an Adjustment to Zoning Code Section 33.110.220, Setbacks, to allow the 4-foot deep by 7-foot wide by 8.25-foot tall shed to be located at a 0 foot setback from the rear and west side property lines, per the approved site plans, Exhibits C-1, signed and dated February 24, 2009.

**NOTE: The following two development-related conditions must be completed prior to closing the Code Compliance case (LU 08-159545 CC) for the approved shed.**

**1: The existing framework for a gazebo, located at the southeast corner of the site at the time of this approval, does not meet setback requirements and was not included in this Adjustment review, and therefore must be removed.**

**2: To ensure stormwater from the shed is effectively managed on site, the applicant must install gutters and downspouts on the shed and direct those to a pervious and/or vegetated area in the yard, between the shed and the street.**

Decision rendered by:  on February 24, 2009.

By authority of the Director of the Bureau of Development Services

**Decision mailed: February 26, 2009**

**Staff Planner: Crystal Hitchings**

**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 26, 2008, and was determined to be complete on January 28, 2009.

*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 26, 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 March 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](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 **March 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.

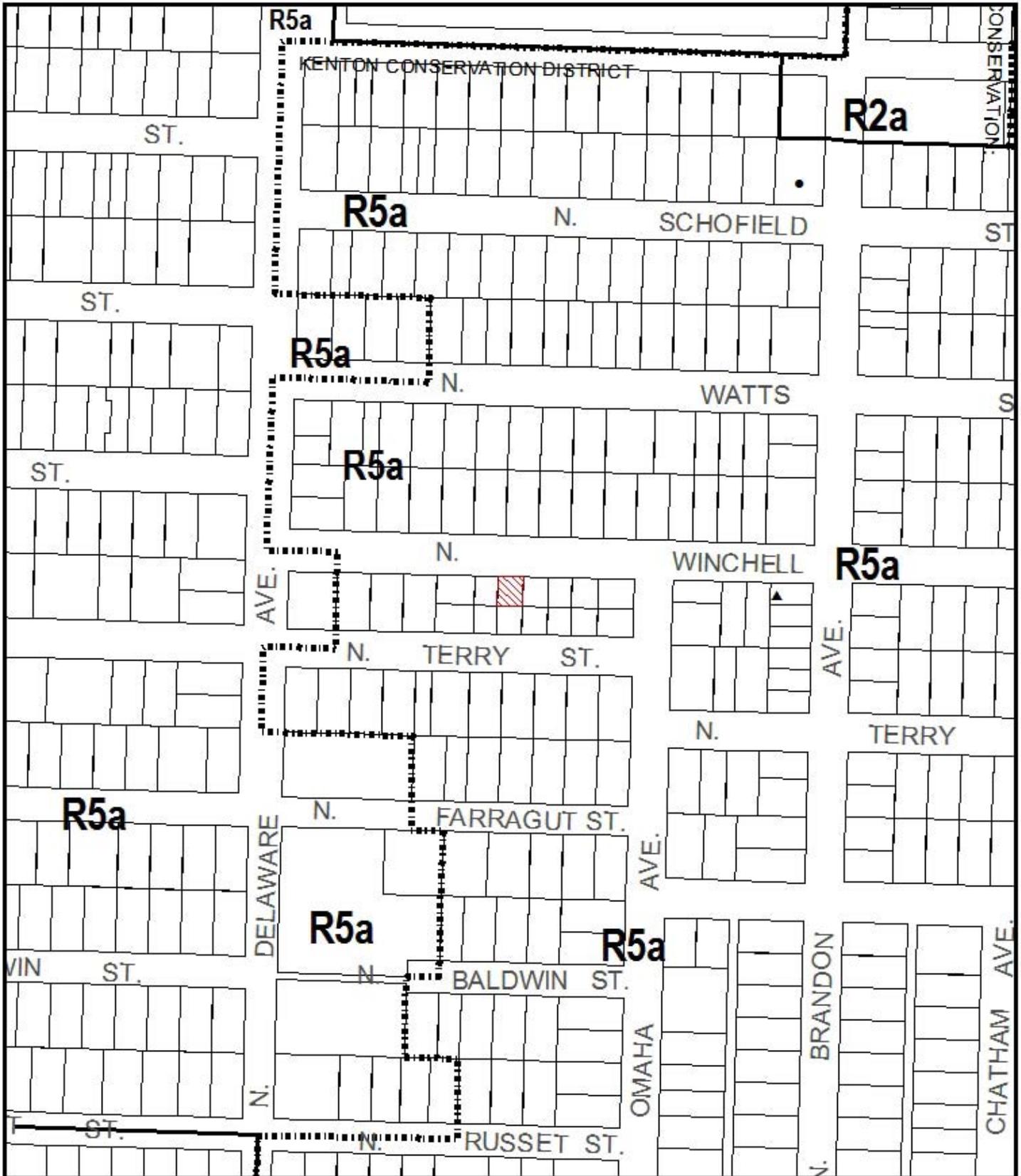
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan, revised (attached)
  - 2. Site Plan with Elevations, revised
  - 3. Front view, photos
  - 4. Side view, photos
  - 5. Street view, photos
  - 6. House/shed aesthetic comparison, photos
  - 7. Construction details, shed and door
  - 8. Site plan & elevations, original
  - 9. Location map
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Bureau of Parks, Forestry Division
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Bureau
  - 7. Bureau of Environmental Services
- F. Correspondence:
  - 1. Roy Truelson; February 1, 2009; letter of support
  - 2. John and Carillon Nicol; February 2, 2009; letter of opposition, fire safety concerns
  - 3. Jeffrey Lang; February 8, 2009; letter of support, design & placement discussion
  - 4. Ray Nordmeyer; received February 10, 2009; letter of support, historical context
  - 5. Irik Meyers; February 13, 2009; letter of support, renovation/site constraint discussion
  - 6. Kenton Neighborhood Association; February 17, 2009; letter of opposition, concerns about imposition of shed into open areas between structures
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter

4. Title 33 Meeting Notes; November 6, 2008
5. Kenton Conservation District guidelines; Kenton Neighborhood Plan, Policies 7 and 8
6. Tax Map

**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



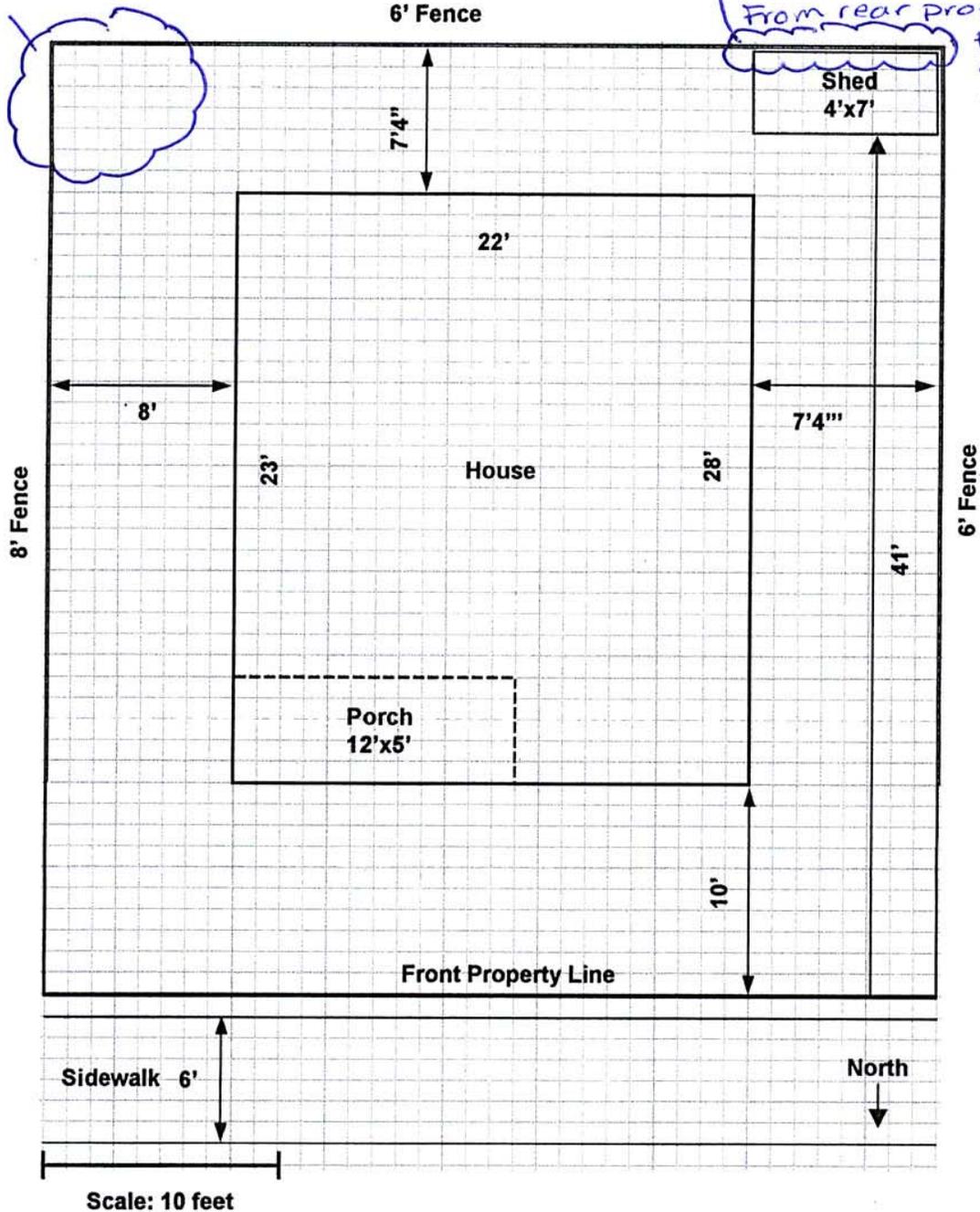
This site lies within the:  
KENTON CONSERVATION DISTRICT

File No.	<u>LU 08-180303 AD</u>
1/4 Section	<u>2228</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E09DC 7300</u>
Exhibit	<u>B</u> (Dec 01,2008)

Site Plan Case# 08-159545 CC  
 2340 N Winchell St, Portland, OR 97217

Existing framework for gazebo to be removed.

Gutters + downspouts must be installed to direct water away from rear property line to an approved previous location



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Crystal Hitchins* Date *2-24-09*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-180303 AD  
 Exhibit C.1