



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

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: December 2, 2010
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / kstokes@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 10-186698 AD

GENERAL INFORMATION

Applicant: Delette D and Michael L Huffman
7337 SE 118th Pl
Portland, OR 97266-4906

Chris Hamlin
Highland Ridge Development Corp
PO Box 1716
Oregon City OR 97045

Site Address: 7337 SE 118TH PL

Legal Description: BLOCK 1 LOT 5, TRUE HAVEN
Tax Account No.: R844300130
State ID No.: 1S2E22AD 07300
Quarter Section: 3742

Neighborhood: Pleasant Valley, Linda Bauer at 503-761-2941.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin – South Subdistrict

Zoning: R10 (Low Density Single-Dwelling Residential)

Case Type: Adjustment review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicants are proposing construction of a “driveway cover” or carport that would be 18.5 feet wide by about 29 feet deep, with 1.5-foot-wide eaves. The structure would extend 20 feet, 10 inches toward the SE 118th Place street lot line, from the longest street-facing wall of the dwelling unit. The Portland Zoning Code, Title 33, requires that garages and carports be located no closer to the street lot line than the longest street-facing wall of the dwelling unit. Exceptions to this regulation are approved through Adjustment Review, when all of the applicable approval criteria are met or can be met through conditions of approval. Therefore, the applicants are requesting approval of an Adjustment to Code Section 33.110.253

F, to allow the proposed carport to be located about 21 feet closer to the street lot line than the longest street-facing wall of the dwelling unit.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The applicants' site is an 11,600 square-foot lot that is located on the west side of SE 118th Place, immediately to the north of the intersection with SE 118th Drive. The site is developed with a single-dwelling residence that was constructed in 1953. The one-story structure includes a wing that is set back from the main part of the dwelling unit and is located at the end of the driveway on the south end of the house. The area around the site is developed with other single-dwelling residences, in a variety of architectural styles. The lot pattern in the area consists of irregularly-shaped parcels, including a fan of lots around the cul-de-sac on SE 118th Place, which results in homes that are facing in many different configurations, in relation to the adjacent streets and to each other.

Zoning: The zoning for this site is R10, Low Density Single-dwelling Residential. This zone is intended for areas that have public services, but that are subject to significant development constraints. Single-dwelling residential is the primary use, with an average maximum density of about 4.4 units per acre, or one unit per 10,000 square-foot lot.

The site is located within the boundaries of the Johnson Creek Basin Plan District. This plan district provides for the safe, orderly, and efficient development of lands that may be subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide ground water recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

Land Use History: City records include the following prior land use reviews for this site:

MCF 55-58 BA approved a 1958 variance to then existing County set back requirement, reducing the side yard to 7 feet. No further information was available on this case. *(Note that the 5-foot setback shown on the site plan for the existing south wall of the residence was measured from the fence line and that the contractor states that the homeowners constructed the fence on their property. The existing south wall of the residence creates the previously approved nonconforming building setback on that side. The applicant has revised plans to reduce the width of the eaves on the proposed carport so that they do not extend beyond the 20% or 16 inches that they are allowed to extend into the 7-foot setback area).*

VZ 309-77 approved a 1977 variance to the City's front yard setback requirement, reducing it from 30 feet to 18 feet to allow a parking space in front of the house. This situation no longer exists on the property and the existing driveway meets the setback requirements for parking spaces in the current City code. Therefore, this case is no longer relevant, per Code Section 33.700.110.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 4, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services provided information on sanitary sewers and storm water management requirements (Exhibit E-1).
- Transportation Engineering indicated that they see no potential impacts on the transportation system and so have no objections to approval of the requested Adjustment (Exhibit E-2).
- Water Bureau provided information regarding the water service to the site and stated that

they had no objections to approval of the proposal (Exhibit E-3).

- Fire Bureau sent an electronic response of “no concerns.”
- Site Development Section of BDS sent an electronic response of “no concerns.”
- Life safety Plan Review Section of BDS noted that a building permit is required for the work that is proposed (Exhibit E-4).
- Parks-Forestry Division sent an electronic response of “no concerns.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 4, 2010. No written responses to the proposal have been received from either the Neighborhood Association or the notified property owners.

The applicants solicited the signatures of four neighboring property owners on a written statement in support of the project, which they prepared and submitted with their application (Exhibit A-2).

ZONING CODE APPROVAL CRITERIA

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

33.805.040 Adjustment Approval Criteria

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

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- 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
- E. Any impacts resulting from the adjustment are mitigated to the extent practical.
- 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 AND CONCLUSIONS

The applicants' proposal meets all of the relevant approval criteria: *The purpose for the regulation regarding the setback from the street lot line and the other regulations related to garages are stated in the Code, as follows: "These standards*

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*
- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*

- *Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*
- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*
- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

The proposed structure is an open, timber-framed addition that will be set to the side of the main part of the residence, preserving public safety by leaving the street-facing windows and the entry walk to the main entrance clear, so that it will not obstruct the physical and visual connection between the living area of the residence and the street. While the proposed structure will make a strong architectural statement for the site, it will compliment, rather than dominate the living area of the residence, as seen from the street.

The main entrance of the home faces the driveway, rather than the street. The proposed "driveway structure," or carport, will actually make the entrance walkway more obvious, directing the eye toward the pedestrian entrance and reducing the current visual prominence of the driveway, as viewed from the sidewalk. Therefore, Criterion A is satisfied because the purposes of the street lot line setback regulation are equally met.

Approval of the adjustment to allow the construction of the proposed structure will bring the development closer to the street, tying together the existing southern and northern portions of the house and adding an architectural element that will enhance the livability and appearance of this residential property and so, Criterion B is also met.

Only one adjustment is being requested. There are no scenic or historic resources on this site; and no impacts have been identified for the abutting properties or the surrounding residential area. The site is not located in an environmental zone, so the criteria related to these issues do not apply. Therefore, all of the relevant approval criteria are met and the proposal can be approved, in substantial compliance with the proposed site plan and elevation drawings.

DEVELOPMENT STANDARDS

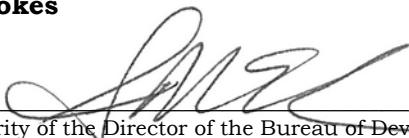
Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.110.253 F, to allow the proposed open, timber-frame carport to be located about 21 feet closer to the street lot line than the longest street-facing wall of the dwelling unit (approximately 22 feet, 4 inches to edge of eave), in general compliance with the approved site plans, Exhibits C-1 through C-2, signed and dated November 30, 2010 subject to the following conditions:

- As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-186698 AD."

Staff Planner: Kathleen Stokes

Decision rendered by:  **on November 30, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 2, 2010

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 October 21, 2010, and was determined to be complete on November 2, 2010.

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 October 21, 2010.

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. Unless extended by the applicant, **the 120 days will expire on: March 2, 2011.**

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 December 16, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

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 **December 17, 2010– (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;

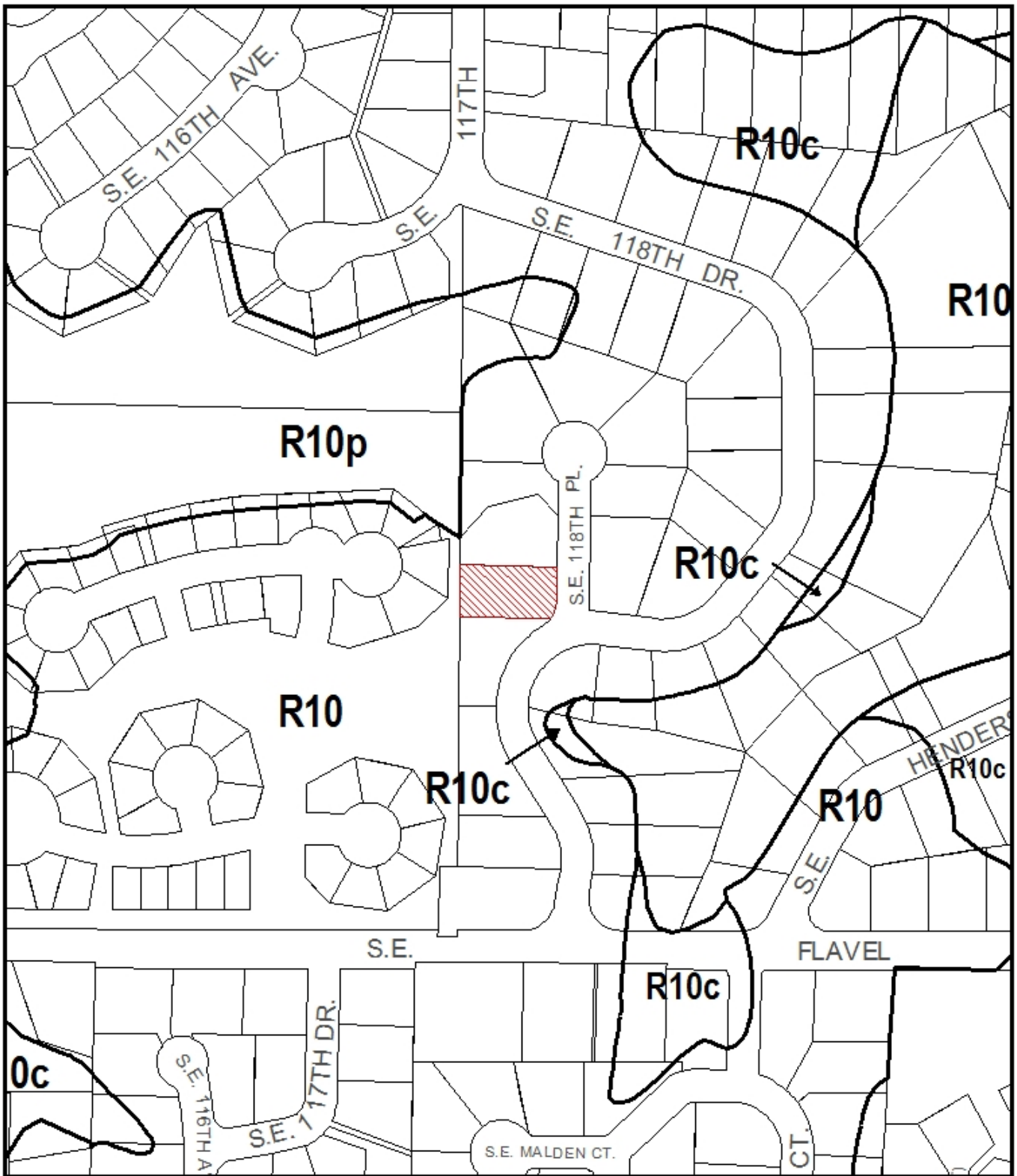
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application, narrative, photographs and plans
 - 2. Statement in support of proposal, prepared by applicant and signed by neighbors
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and roof frame plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Life Safety Plan Review Section of BDS
 - 5. Summary of electronic responses from City agencies
- F. Correspondence: (none received)
- G. Other:
 - 1. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



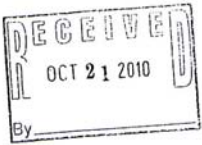
ZONING

 Site



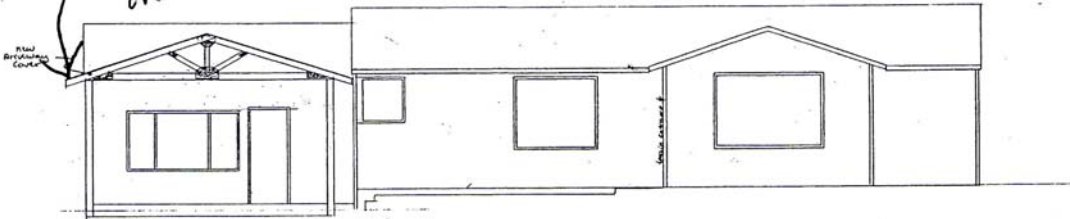
This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 10-186698 AD
1/4 Section	3742
Scale	1 inch = 200 feet
State_Id	1S2E22AD 7300
Exhibit	B (Nov 02, 2010)



max. 1'4" eave
on south side

Front Elevation
1/4" = 1'-0"



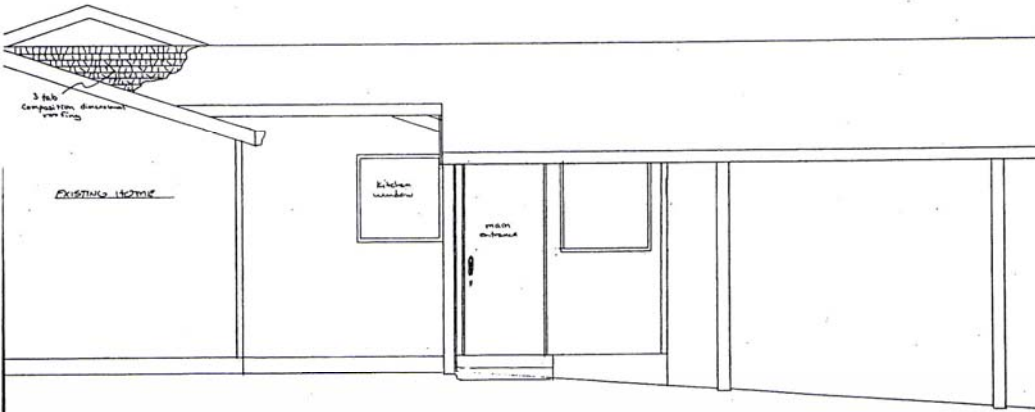
LU 10-186698 AD

Huffman Driveway Cover	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 10/26/10	REVISION: C.G.
Front Elevation	
Highland Ridge	IB

Exhibit C-2 - must be open, timber-

frame structure, with
no side wall enclosures,
generally as depicted
here.

SOUTH ELEVATION



HUFFMAN DRIVEWAY STRUCTURE	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 10/4/10	REVISION: C.U.
South Elevation	
Highland Ridge	3

Approved
 City of Portland - Bureau of Development Services
 Planner: Kathleen A. Stokes Date: November 30, 2010
 This approval is valid only to the reviews requested.