



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 7, 2011  
**To:** Interested Person  
**From:** Douglas Hardy, Land Use Services  
503-823-7816 / [Douglas.Hardy@portlandoregon.gov](mailto:Douglas.Hardy@portlandoregon.gov)

**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 11-169006 AD**  
**UNINCORPORATED MULTNOMAH COUNTY**

**GENERAL INFORMATION**

**Applicant:** Robert W. Packwood/Elaine Franklin, property-owners  
11760 SW Riverwood Road  
Portland, OR 97219-8473

**Representative:** Simon Franklin  
Superior Renovation  
909 SW Cheltenham Street  
Portland, OR 97239

**Site Address:** 11760 SW Riverwood Road

**Legal Description:** Lot 8 TL 1900, Riverwood  
**Tax Account No.:** R711300720  
**State ID No.:** 1S1E35AC 01900  
**Quarter Section:** 4132  
**Zoning:** R20g Single-Dwelling Residential 20,000, with a Greenway overlay  
**Case Type:** Adjustment (AD )  
**Procedure:** Type II, Administrative decision with appeal to Adjustment Committee

**PROPOSAL**

The applicant proposes constructing a one-story, 263 square foot sunroom on an existing patio located at the northeast corner of the existing home. The maximum allowed building coverage on this site is 3,225 square feet. Since existing development on the site already exceeds the maximum building coverage by 497 square feet, an Adjustment is required to further increase the allowed building coverage. If approved, the Adjustment will increase the maximum allowed building coverage on the site to 3,985 square feet.

**RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

**ANALYSIS**

**Site and Vicinity:** The project site is an 11,500 square foot lot that is relatively flat along the western half but then slopes downward steeply (approximate 20 percent grade) on the eastern half. Due to the steep topography and street configuration, SW Riverwood Road abuts both the west and east lot lines of the property, making the property a through lot. The site is developed with a single-dwelling residence that is built into the slope of the hill so that the home is one story as viewed from the west and two stories as viewed from the east. The home is configured in a “U-shaped” form around an existing deck on the east side of the site. The entrance to the home is situated on the west façade, with the east façade functioning as the rear of the home.

The property is located within an urban pocket in Multnomah County, between the city limits of Portland and Lake Oswego. The area is bordered by SW Riverside Drive to the west and the Willamette River to the east. Surrounding development includes single and multi-story residences on lots ranging from approximately 5,600 square feet to 38,000 square feet. These lots range from relatively flat to steeply sloping along the riverfront.

**Zoning:** The site is located in a Single Dwelling Residential 20,000 (R20) zone, with a River General (g) Greenway overlay zone.

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 use regulations are intended to create, maintain and promote single-dwelling neighborhoods. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

The River General zone is intended to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). Specifically, the River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities. Though the site is within the Greenway zone, the project site does not have river frontage and the proposed change to the existing home is exempt from Greenway Review.

**Land Use History:** City records indicate that prior land use reviews on the property include the following:

- MUP 9-90 HDP: Multnomah County review for Hillside Development and Erosion Control Permit. Approved with conditions.
- MUP 11-91 WRG and MUP 15-91 HV: Multnomah County review for Greenway and Setback Variance for an addition to the existing residence. Approved with conditions.
- LU 03-100864 AD: City of Portland review for an Adjustment to allow an increase in building coverage related to the deck expansion and house addition. *(Note: While this review was approved with conditions, the applicant later indicated they no longer intended to pursue the proposal, so the approval was superseded by a 2004 Adjustment Review; see next bullet).*

- LU 04-002122 AD: City of Portland approval of an Adjustment Review to allow an increase in building coverage from 3,779 square feet to 3,969 square feet related to a new entryway addition on the west side of the existing residence. *(Note: In the 2004 land use review, the applicant included eaves when calculating the existing and proposed building coverage. The definition of building coverage now excludes eave overhangs. When excluding eave overhangs from what was approved in 2004, the total building coverage, including the entryway addition, is 3,722 square feet.)*

**Agency Review:** A Notice of Proposal was mailed September 9, 2011. The following City of Portland bureaus have responded with no issues or objections to the requested land use review:

- Bureau of Transportation Engineering and Development Review;
- Portland Water Bureau; and
- Bureau of Development Services/Site Development Review Section.

The following City of Portland bureaus have responded with no issues regarding the requested Adjustment, and provided comments that largely address the building permit process:

- The Bureau of Environmental Services (BES) has no objections to the requested land use review, and notes that BES requirements will be implemented under Building Permit # 11-164592 which is currently under review.
- The Portland Fire Bureau noted that the property is located outside City of Portland limits, and the applicant should verify approval with Fire Code requirements through the Lake Oswego Fire Department.
- The Bureau of Development Services/Life Safety Plans Examiner noted that a separate building permit will be required for the proposed development.

**Neighborhood Review:** No comments were received from the notified property-owners in response to the Notice of Proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Approval Criteria

The adjustment request will be approved if the review body finds that the applicant has shown that 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 has requested an Adjustment to construct a new 263 square foot sunroom on an existing paved patio area located at the northeast corner of the home. The new addition will increase the maximum allowed building coverage on the site from 3,722 square feet to 3,985 square feet. The intent for limiting the maximum allowed building coverage, as stated in Zoning Code Section 33.110.225.A (Purpose), is as follows:

*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 applicant has demonstrated that the proposal meets the intent of the purpose statement based on the following findings:

- As indicated in the purpose statement for this standard, building coverage is intended to work with building height and setback regulations to limit the overall bulk of buildings. The applicant has proposed balancing the increased building coverage by providing deeper building setbacks than required and limiting the overall height of the addition. Regarding building setbacks, development in the R20 zone is required to be set back a minimum of 20 feet from the nearest street lot line, and 10 feet from adjacent side lot lines. In this situation, the applicant proposes placing the sunroom approximately 30 feet from the north street lot line and 20 feet from the side lot line. These increased setbacks, in combination with limiting the height of the addition to one story (and only 263 square feet in area), allow a greater building coverage without overwhelming homes on adjacent lots.
- The sunroom is proposed in a notched out corner of the house. Siting the sunroom in this location, as well as limiting the height of the sunroom to be less than that of the existing house, allows it to blend with the existing mass and design of the house, thereby significantly reducing any increased bulk in development on the site.

As proposed, development will equally meet the purpose of the building coverage standard, 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, 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:** Because this site is located in an R20 zone, the approval criteria requires demonstrating that the proposal will not significantly detract from the livability or appearance of the surrounding residential area. For purposes of this criterion, the “residential area” is defined as the area bordered by SW Riverside Drive to the west, the Willamette River to the east, and properties within 150 feet to the north and south of the subject site. Development in this area includes predominantly single and multi-story residences on lots ranging from approximately 5,600 square feet to 38,000 square feet, all located in the R20 zone. Lots in this area range from being relatively flat to steeply sloping along the riverfront. While there is considerable range in the sizes of nearby lots, most of the homes in the vicinity are of a comparable scale and height to that of the expanded residence on the subject site.

The proposal could also impact livability if proposed development and bulk were located close to adjacent residents. This could adversely impact livability not only if the established relationship or separation between homes was compromised by the proposal, but also if the increased bulk reduced privacy for adjacent residents. Neither of these situations are present in this case. The sunroom addition will be located approximately 60 feet from the nearest house to the north, and approximately 30 feet from the nearest house to the south. Providing a substantial distance between residences ensures that the desired placement of homes on lots in the area will be preserved, while not impacting privacy for residents.

As proposed, 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:** As only one adjustment is requested, this criterion does not apply.

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

**Findings:** City designated scenic resources are identified on the Official Zoning Map with the letter “s”, with historic resources marked with a dot or as being either in a Conservation District or a Historic District. As none of these designations are identified on the subject site, or on nearby sites, this criterion is not applicable.

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

**Findings:** As evidenced in the findings in response to Approval Criteria A and B, above, there are no adverse impacts for which mitigation is required. As such, 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 project site is not located in a designated environmental zone, so this criterion does not apply.

## 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

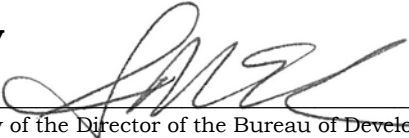
The applicant has demonstrated the applicable approval criteria have been met. The limited size of the addition, both in terms of its square footage and its height, as well as its location in a notched corner of the existing home, prevents the resulting development from overwhelming adjacent residences. The scale and placement of the addition, in combination with the increased street and side building setbacks, ensure that the proposal will be consistent with the purpose of the maximum building coverage standard. Maintaining substantial setbacks between the expanded house and adjacent residences maintains the desired physical relationship between homes in the area, and preserves privacy.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum allowed building coverage (Zoning Code Section 33.110.225) on the site from 3,722 square feet to 3,985 square feet associated with the construction of the one-story sunroom, per the approved site plans (Exhibits C.1 and C.2), signed and dated October 6, 2011, and subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-169006 AD."

**Staff Planner: Douglas Hardy**

**Decision rendered by:**  **on October 6, 2011.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 7, 2011.**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on August 23, 2011, and was determined to be complete on **September 9, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 23, 2011.

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 further extended by the applicant, **the 120 days will expire on January 7, 2012**.

**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 October 21, 2011**, at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3:00 pm. After 3:00 pm 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.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

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](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 **October 24, 2011 – the first business 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.

**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.

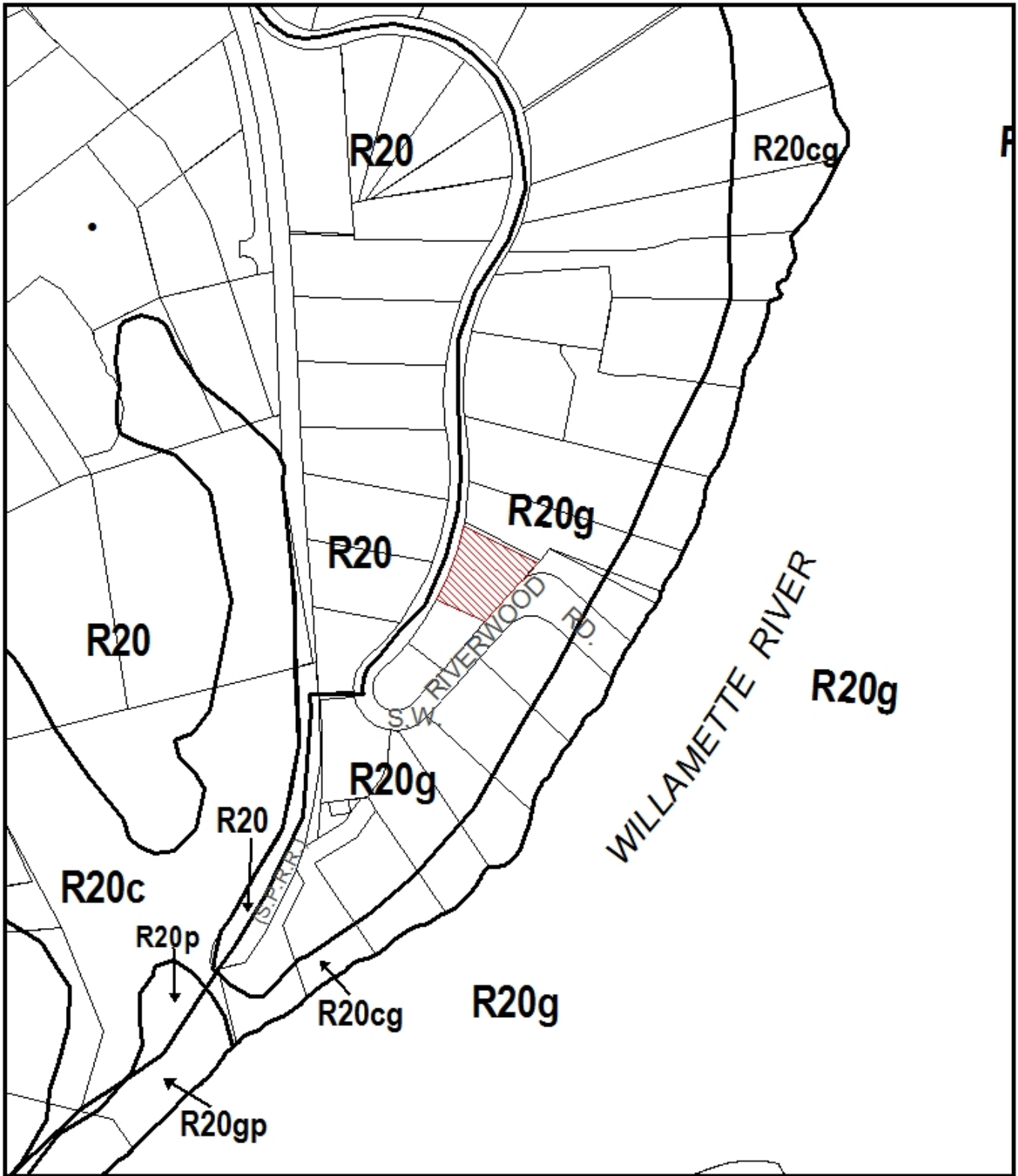
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Site Plan (attached)
  - 2. Site Plan Detail (attached)
  - 3. Building Elevation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Bureau of Development Services/Site Development Review Section
  - 6. Bureau of Development Services/Life Safety Plans Examiner
- F. Correspondence (none)
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. 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

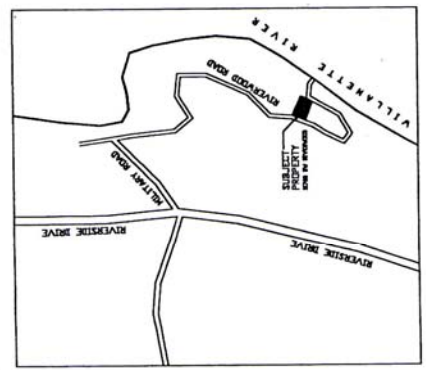


File No.	LU 11-169006 AD
1/4 Section	4132
Scale	1 inch = 200 feet
State_Id	1S1E35AC 1900
Exhibit	B (Aug 25, 2011)

\*Approved\*  
 City of Portland - Bureau of Development Services

Planner: *[Signature]* Date: 10-6-11

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

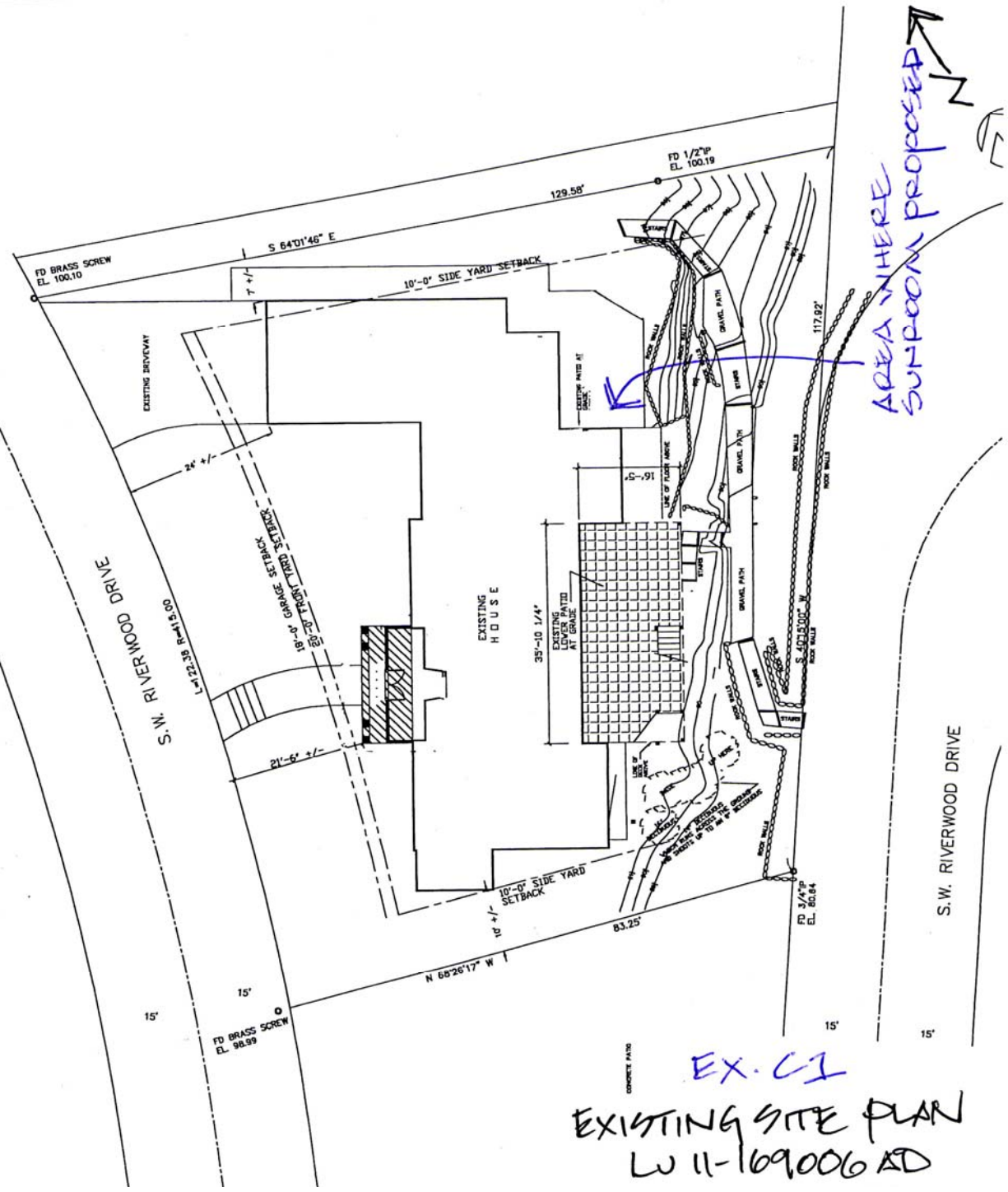


VICINITY MAP

OWNER:  
 BOB PACKWOOD & ELAINE FRANKLIN  
 11760 SW RIVERWOOD ROAD  
 PORTLAND, OR 97219

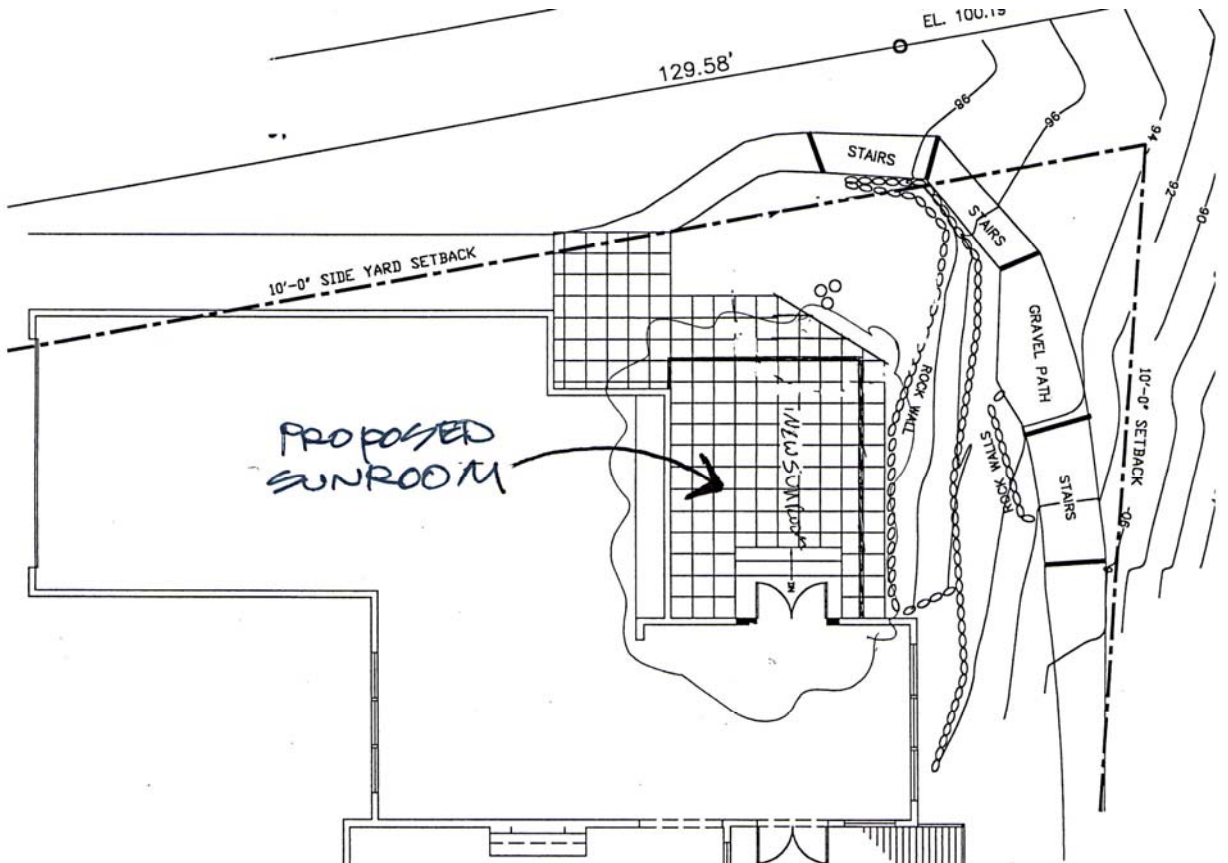
LEGAL DESCRIPTION:  
 REEFPAZ 1900  
 PROPERTY ID NO. 1000  
 MAP & TAX LOT NO. 1000  
 LEGAL: 1000  
 MULTNOMAH COUNTY, OREGON

ZONING:  
 ZONING DESIGNATION: R-200 PER ORD 2003 83. FT.  
 GREENWAY OVERLAY ZONE: RIVER / GENERAL



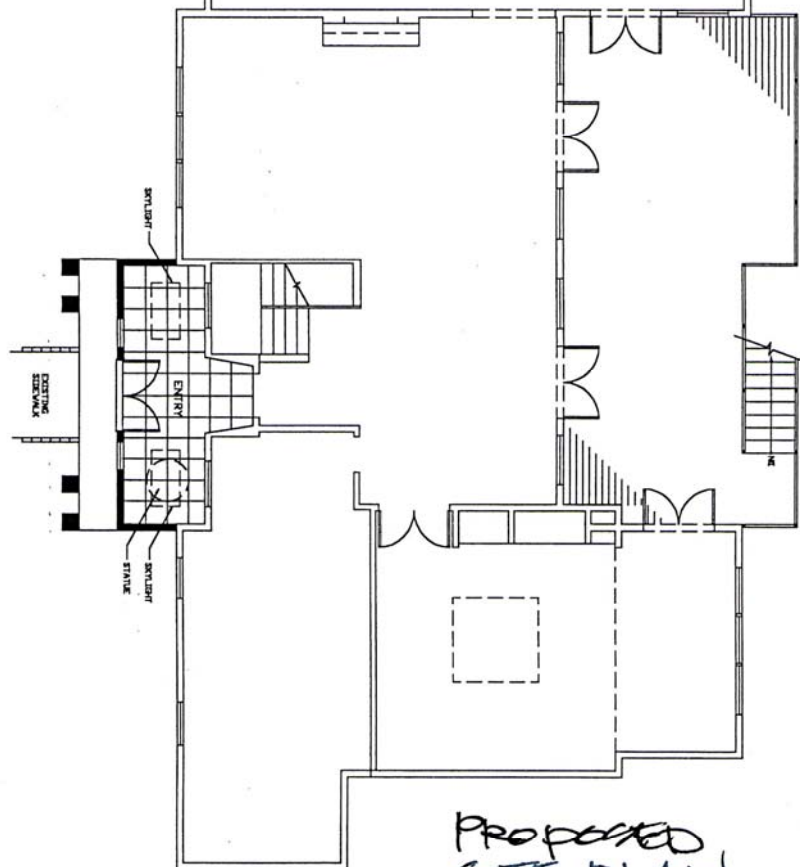
AREA WHERE SUNROOM PROPOSED

EX-C1  
 EXISTING SITE PLAN  
 LW 11-169006 AD



PROPOSED  
SUNROOM

NEW SUNROOM



PROPOSED  
SITE PLAN

1 FLOOR PLAN - OPTION #1



Planner \_\_\_\_\_  
 City of Portland - Bureau of Development Services  
 \* Approved\*  
 Date 10.6.11  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Sheet Title FLOOR PLAN	Drawn by Date	Bob Packwood & Elaine Franklin 11760 SW RIVERWOOD DRIVE PORTLAND OREGON	EX-C2
Sheet Number A1	Plot	LU 11-169006 AD	
File	Reviewed		