



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, 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:** February 6, 2015  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-823-7837 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-238165 AD**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Eric Rystadt / Main Street Development, Inc.  
5331 SW Macadam Ave #258 / Portland OR 97239

**Site Address:** 10340 SW RIDGEVIEW LN

**Legal Description:** LOT 3 TL 103, PARTITION PLAT 2002-122  
**Tax Account No.:** R649824870  
**State ID No.:** 1S1E28CC 00103  
**Quarter Section:** 4027  
**Neighborhood:** Marshall Park, contact John DeLance at 503-246-4382.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** None  
**Zoning:** R10 – Single-Dwelling Residential 10,000  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

#### **Proposal:**

Earlier this year, the applicant received approval for an Adjustment to Zoning Code Section 33.110.220 to reduce the southeast side setback for a new house from 10 feet to 5 feet, 6 inches. However, due to a surveying error, the house's east building wall was located at between 1 foot, 2.5 inches and 3 feet, 1.5 inches to the property line. Since the house is largely constructed, the applicant requests an Adjustment to Zoning Code Section 33.110.220 to reduce the building setback instead from 10 feet to between 1 foot, 2.5 inches and 3 feet, 1.5 inches, and reduce the setback for the eaves from 8 feet to between 0 feet and 2 feet, 3.5 inches, as per the attached site plans.

#### **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 7,353-square-foot residential lot is located in the Southwest Hills residential area between SW Boones Ferry Road and I-5. The site has frontage on SW Ridgeview Lane and slopes gently upward from the street. The site is under development with trees, brush and lawn areas. The site has a 12-foot-wide easement on the west side for a driveway to the adjacent site to the north.

Many of the nearby houses are mid-20<sup>th</sup> century ranch-style houses on lots of 15,000 to 40,000 square feet, making the subject site one of the smallest lots in the neighborhood. A few houses were built more recently, as a result of minor partitions, property line adjustments or land divisions. These houses tend to be 1.5 or 2 stories tall, more similar to the proposed development. The lot to the southeast is currently vacant and has a 20-foot-wide access easement along its west property line. That adjacent site is heavily wooded.

The 60-foot right-of-way in front of the site is improved with 20 feet of roadway, but no curbs or sidewalks. SW Ridgeview in this area is classified as a Local- Service Walkway and Bikeway, and a Minor Emergency Response Street.

**Zoning:** The Residential 10,000 (R10) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 10,000 square feet of site area.

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

**LU 14-131424 AD:** An Adjustment request was approved in 2014 to reduce the east side setback from 10 feet to 5.5 feet. Due to a survey error, construction of the house occurred closer to the side lot line than approved, necessitating the current land use review for a further reduction of the east side setback.

**LUR 01-00649 MP:** The site was part of a 3-lot Minor Partition with Adjustment in 2001, separating the subject site from the two sites to the north (including the one with the existing home which retains the driveway through the subject site with an easement). The current site configuration was determined through a Property Line Adjustment in 2007 which reduced the size of the lot from 10,128 square feet to 7,353 square feet by moving the northwest property line to the south.

**Public Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 8, 2014**.

**Agency Review:** The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Water Bureau (Exhibit E.2);
- Fire Bureau (Exhibit E.3);
- Site Development Section of BDS (Exhibit E.4);
- Bureau of Transportation (Exhibit E.5);
- Bureau of Parks-Forestry Division (Exhibit E.6); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.7).

**Neighborhood Review:** A total of four written responses have been received from the Neighborhood Association and notified property owners in response to the proposal. All letters were in opposition to the proposal. The issues raised were wide-ranging. Many

detailed the series of events that have led to this current proposal, some ascribed negative intent to the owner of the subject site in dealing with the calls that the house was being built in the wrong location, and they expressed the desire that the owner be held responsible for his actions.

**Staff Response:** *The proposal will be judged against the relevant approval criteria and the events leading up to the proposal are not relevant to the decision. Likewise, the fact that the proposed building has largely already been built does not factor into the decision-making process, nor weigh staff to make one decision over another.*

Several of the letters also raised questions about the accuracy of the submitted site plan. Comments were made about encroachments that either had not yet been removed or that were ongoing. Questions about building code issues were raised, such as whether the proposal would be properly fire-rated.

**Staff Response:** *Land use approvals are per the submitted site and other plans. The applicant will be subject to verification in the field through the building permit and inspection process. No proposal could be approved that included encroachments into an adjacent property. The site plan shows no encroachments but reflects changes yet to be made to the house. For example, the applicant is proposing to cut back the eaves at the southeast corner of the house so there is no encroachment. The applicant received building code appeal approval to locate the building wall and eaves closer than 3 feet to the property line. The approval was given subject to a number of conditions, including fire-rating the wall and eaves, eliminating windows or openings on the east side, and relocating utilities (Exhibit A.8).*

There was some response to the applicant's argument about allowing a reduced setback because the adjacent site was a flag lot.

**Staff Response:** *As at least one letter noted, the adjacent lot does not meet the City's definition for "flag lot." The argument made in the applicant's narrative that the setback by right along the east property line is not accurate and was not considered in this analysis.*

Other comments focused on the condition of the neighboring driveway for emergency access, ability of people to walk while a car is driving on it, and privacy and appearance issues. These comments will be addressed in 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 purpose statements for setback regulations in the single-dwelling zones are as follows:

### **33.110.220 Setbacks**

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.

Each purpose statement is addressed individually below.

- *They maintain light, air, separation for fire protection, and access for fire fighting;*

**Findings:** Granting the Adjustment will not impact light, air, separation for fire protection or access for fire fighting. The back wall of the proposed house will be located approximately 50 feet from the existing house on the lot to the northwest. The adjacent lot to the southeast is currently vacant. From the rear building line of the proposed house, the house on the lot to the northeast is approximately 100 feet away. These large separations result in a condition that means the air flow or light will not be impacted by the proposed development. An existing 20-foot-wide easement on that lot along the west property line provides separation between the proposed development on the subject site and any house that might be built in the future on the adjacent lot. The 20-foot-wide easement approximates the required combined 10-foot side setbacks for development on these two lots in the R10 zone.

The applicant has already received building code approval for locating the house as built close to the east property lines. The design will be required to take several steps to ensure fire protection, including a second layer of gypsum board installed over the interior side of the wall line, gypsum soffit board added to the entire length of eave, with no soffit vents allowed, no windows allowed on the east side, and more (Exhibit A.8). The Fire Bureau has weighed in on the Adjustment request with no concerns.

Several of the public comments received noted concern regarding access of emergency vehicles up the driveway located in the easement on the adjacent property. However, the 12.5-foot-wide drive aisle on the adjacent lot (within the 20-foot-wide easement) is not built right to the property line. The site plan shows and the applicant states that the adjacent driveway is located 7 feet from the SE corner of the house and 11 feet from the northeast corner of the house. With this separation, it is not clear how the proposed development would impact driving conditions on the adjacent site. The proposal would not change existing conditions on the adjacent site.

- *They reflect the general building scale and placement of houses in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*

**Findings:** Reducing the southeast building setback from 10 feet to as little as 14.5 inches will not result in development that significantly differs in building scale or placement of houses in the neighborhood. The changes in slope, the odd lot shapes in the area, the mature vegetation and the environmental zoning on nearby properties have all resulted in an inconsistent placement of houses in the area. In this area, with several properties gaining street access only through easements and private property, it is not always entirely clear where one property stops and another starts. The subject site has an easement with a driveway to the house to the west; the adjacent site has an easement with a driveway to three lots behind it. This context arose from conditions on the ground and have led to an irregular development pattern, into which this proposal will fit.

Notified property owners commented that the proposed house was out of scale for the site and the neighborhood. The design met all other Zoning Code standards for height, building coverage, setbacks, garage entrance setbacks, and other codes that control the general building scale and placement of houses. It is not the only 2-story house in the immediate area; there are several 1.5-story and 2-story homes, many which have been built in recent decades, within 500 feet of the subject site.

Further, the lot to the southeast is vacant with a 20-foot easement for a driveway at or near the property line. Currently, the lot provides a large, wooded, undeveloped area adjacent to the proposed house. If the site were developed later, the easement would maintain separation between the proposed house and any house to be built later on the adjacent lot, maintaining a reasonable physical relationship between residences.

- *They promote options for privacy for neighboring properties;*

**Findings:** Granting the Adjustment will not result in the proposed house being significantly closer to any existing house in the area. The distance from the proposed house to its nearest houses to the northwest and northeast is still 50 feet and 100 feet, respectively. Because of the 20-foot easement on the adjacent property, the proposed house will not be closer to any future proposed development than what the Zoning Code has decided is appropriate to retain privacy in the R10 zone (i.e., the 20-foot easement is equivalent to two 10-foot side setbacks that would be required on two adjacent sites). Due to the building wall's proximity to the east property line, the approved building code appeal already requires the earlier-proposed windows on the east façade to be removed, lessening the opportunity for views onto adjacent properties from the area of the reduced setback. The mature vegetation and presence of larger trees behind the proposed development also blocks views into neighboring properties in many directions.

- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*

**Findings:** The Adjustment request does not impact the front yard. The proposal maintains the minimum front setback of 20 feet for the R10 zone. This purpose statement is not relevant to the Adjustment request.

- *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*

**Findings:** The first Adjustment request was brought forward because of an easement that runs along the west side of the subject site, which includes a driveway that predated the Minor Partition that created this lot. The lot is already smaller than most lots in the neighborhood at 7,353 square feet, and the easement

offers an additional constraint. While the easement itself is 12 feet across, it effectively reduces the usable land on this site by a greater amount, because a triangle of property is left as an “island” west of the easement. In effect, the easement reduces the width of the site by 40 feet at the front of the property, and by some 26 feet at the proposed front edge of the new house. Granting the Adjustment enables the house, which in all other regards meets Zoning Code standards for development, to fit the usable area of the site. This new Adjustment request, which goes beyond what was originally approved in 2014, still equally meets this purpose statement given the irregular development patterns in the neighborhood, the changing grades and the presence of environmental zoning in some areas.

- *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.*

**Findings:** The Adjustment request does not impact the location of the garage compared to the street. The garage is proposed to be located over 30 feet from the curving property line. This purpose statement is not relevant to the Adjustment request.

For the reasons described above, this approval 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 size, massing and scale of the house is allowed outright in the Residential 10,000 zone. The request to allow the house to be located between 14.5 inches and 3 feet from the east property line is at issue. As stated above, the house is not significantly taller or larger than other more recently-constructed homes in the neighborhood. At two stories and about 25.5 feet tall, it is several feet shorter than the 30 feet that is allowed. Given the irregular development pattern of the neighborhood discussed above, the location of the proposed house closer to the driveway of the neighbors to the east (rather than close to the driveway of the neighbor to the west, as would be required with no Adjustment) will not detract from the appearance of the residential area.

Livability concerns at this kind of neighbor-to-neighbor scale generally center around issues like privacy, noise, and safety. The privacy issues were addressed above; the removal of the two windows on the east side limit views from this reduced setback onto adjacent properties, and the distance from the house to existing homes on this side remains substantial. Given the lack of openings in the east side of the building, there will not be noise issues that would be any greater than if the house were built 10 feet away from the property line. The open patio in the back, if uncovered, could be allowed by right at the property line, so giving approval for this covered patio to be located 3 feet from the property line would not result in worse noise conditions than would be allowed by right already. However, the applicant is proposing a fence that runs between the open patio and the east property line north along the property line. A condition of approval will require the fence to be 6 feet tall, wood, and fully sight-obscuring. The fence will serve to increase privacy and decrease the risk of noise pollution in the immediate area.

Several neighbors raised a traffic safety issue with the adjacent driveway. Concerns about access for emergency vehicles were raised, as well as a risk of icy conditions causing drivers to drive into the proposed house. As stated above, the paved driveway within the 20-foot easement is located some 7 feet from the southeast corner of the proposed home and 11 feet from the northeast corner of the home, allowing some

margin of error for a driver to avoid a collision with a building. Nothing about the building's proposed location would make the driving conditions on the adjacent driveway any more challenging, or any less accessible to emergency vehicles.

The location of the natural gas meter to the east of the house was also raised as a concern with sliding vehicles. However, the building code appeal added a requirement that should address the concern: construction of the wall within 3 feet of the property line was granted provided "[u]tilities such as electrical meter, gas meter, or hose bibs are relocated so that they have both a 3' wide access path and 3' clearance in front without crossing the property line."

The livability and appearance of the area will not be negatively impacted with the approval of this Adjustment; therefore, this criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Several of the letters from the public addressed the approval criteria, and all that did indicated that Criterion C was applicable because of the previous side setback Adjustment granted in 2014. That prior case has no bearing on the current land use review, which is reviewed independently from past land use reviews. Furthermore, the current land use review is replacing the previous one. The earlier Adjustment to the same standard does not result in there being two current Adjustment requests, so Criterion C is not applicable.

- 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. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

**Findings:** Given the site conditions, and the 20-foot easement on the adjacent property, the Adjustment is not expected to result in impacts on existing or future development nearby. However, the applicant is proposing some changes that will address potential issues. As stated above, the design has been modified to remove the two windows on the east elevation of the house which will limit views into adjacent properties further from the area of the reduced setback. The applicant is also proposing a fence that extends from the rear of the house, along the exterior patio and up to the north property line. A condition of approval will require this fence to be a 6-foot-tall, fully sight-obscuring wood fence. With this condition of approval, 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:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As 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

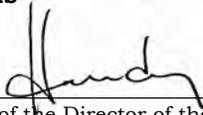
Given the local conditions of irregular lot development due to grade issues, environmental zoning and common use of access easements in the immediate area, the Adjustment request will result in development that can meet both the purpose of the setback regulation and the other approval criteria. The proposal should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.110.220 to reduce the southeast side setback from 10 feet to between 14 inches and 3 feet for a new house, and reduce the eave setback from 8 feet to between 0 feet and 2 feet, 3.5 inches, per the approved plans, Exhibits C.1 through C.4, signed and dated February 4, 2015, subject to the following conditions:

- A. 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-238165 AD. No field changes allowed."
- B. The applicant must install a fence along the east side of the property, separating the rear patio from the adjacent property. The fence must run from the northeast corner of the building walls up to the northeast corner of the property at minimum. It must be at least 6 feet tall, wood, and fully sight-obscuring.

**Staff Planner: Amanda Rhoads**

**Decision rendered by:**  **on February 4, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 6, 2015**

**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 14, 2014, and was determined to be complete on December 4, 2014.

*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 14, 2014.

*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 requested that the 120-day review period be extended 21 days, as stated in Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on: April 24, 2015.**

**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 20, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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](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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 23, 2015 – 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.

**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:

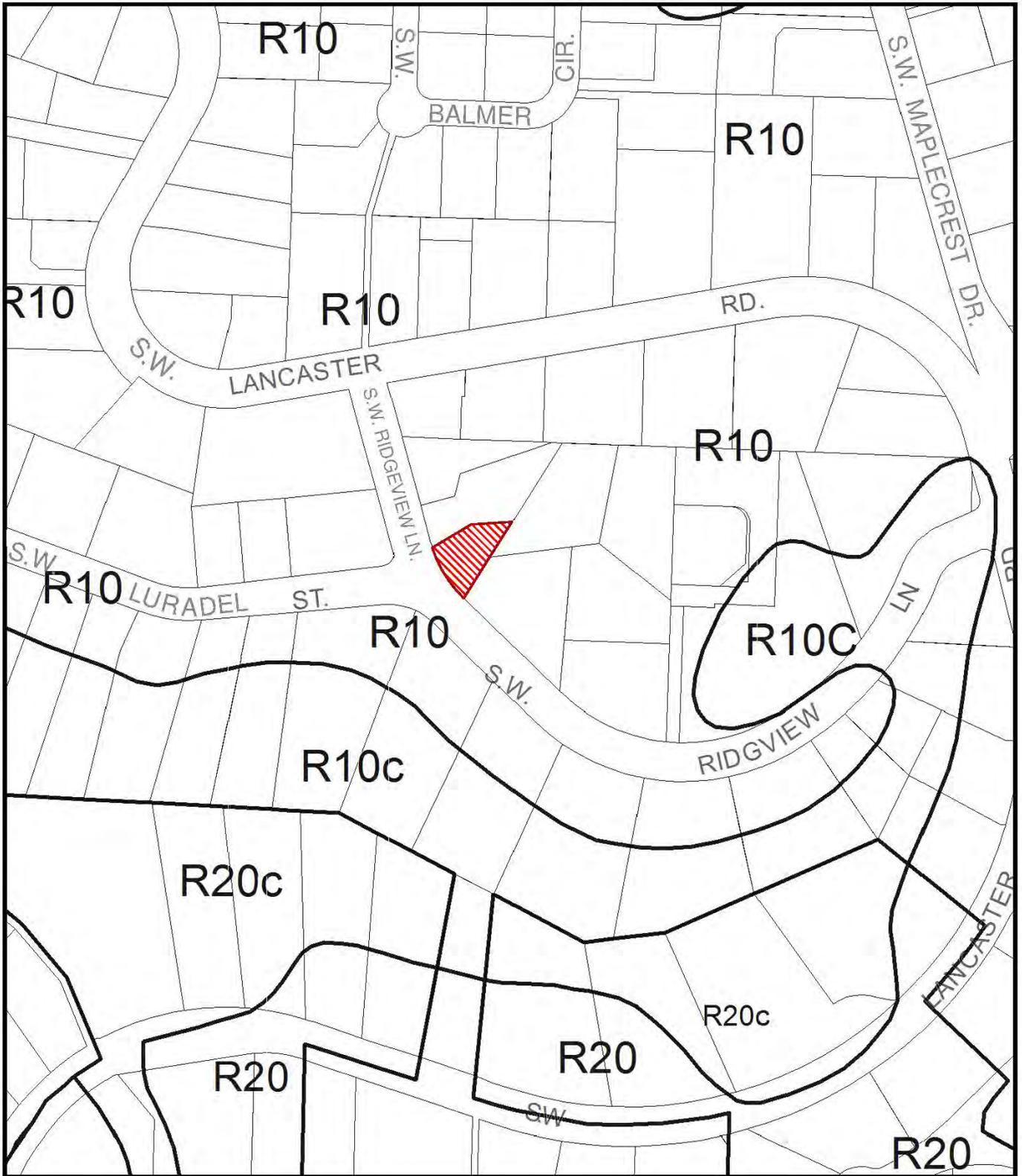
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant Narrative, November 14, 2014
  - 2. Survey of Site Adjacent to Subject Site (R154174), dated September 4, 2014
  - 3. Photo of Construction near Property Line
  - 4. Emails from Lawyer to Neighbors with Application Information
  - 5. Revised Elevations and Site Plan
  - 6. Applicant Response to Incomplete Letter, December 4, 2014
  - 7. Applicant Response to Neighbor Letters, January 14, 2015
  - 8. Applicant Forwarding the Building Code Appeal Approval, January 23, 2015
  - 9. Building Code Appeal Plans
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan with Details at East Property Line (attached)
  - 2. South and West Elevations (attached)
  - 3. East and North Elevations (attached)
  - 4. Site Plan
  - 5. Survey of Adjacent Site
  - 6. Full-Sized Plans
- 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. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
  - 1. David K. Petersen from Tonkin Torp LLP, representing David and Diana Genest, December 22, 2014, in opposition
  - 2. Silas and Yuri Baxter-Neal, December 27, 2014, in opposition
  - 3. John DeLance, Marshall Park Neighborhood Association Land Use Chair, December 29, 2014, in opposition
  - 4. Douglas Bomarito, P.C., representing James Smith, December 29, 2014, in opposition
- G. Other:
  - 1. Original Land Use Application and Receipt
  - 2. Incomplete Letter, November 20, 2014
  - 3. Request for 21-Day Extension of 120-Day Review Period, January 13, 2015

**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 14-238165 AD  
 1/4 Section 4027  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E28CC 103  
 Exhibit B (Nov 17, 2014)

SUBDIVISION: EDGECLIFF  
 PARTITION PLAT 2002-122, LOT-3 TL 103  
 SW RIDGEVIEW LN, PORTLAND, OR 97219  
 R530844



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Date: Feb 9, 2015  
 Planner: HVA  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



**Building Code Hardship Appeal  
 for 10340 SW Ridgeview Lane**

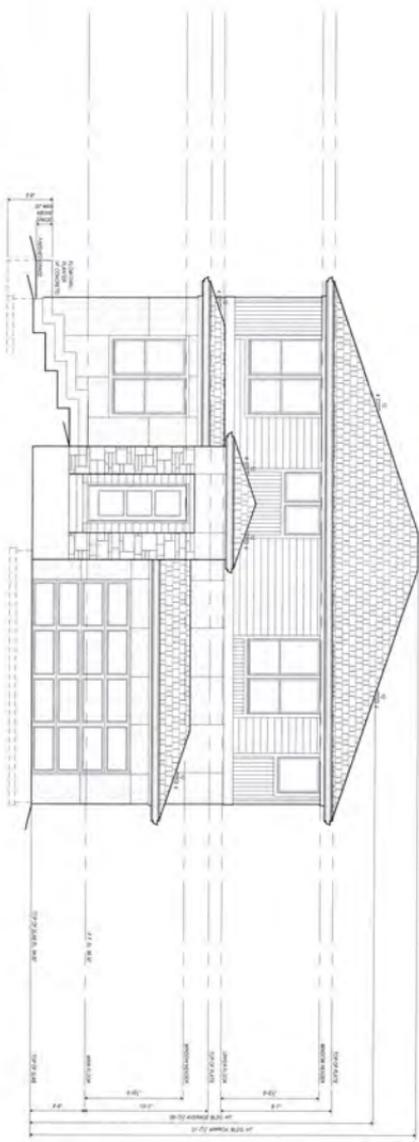
SUBDIVISION: EDGECLIFF  
 PARTITION PLAT 2002-122, LOT-3 TL 103  
 SW RIDGEVIEW LN, PORTLAND, OR 97219

R530844

SITE PLAN  
 SCALE: 1/8" = 1'-0"

SHEET	PLAN	PROJECT
	C1	3303
		PROPERTY ADDRESS
		SW RIDGEVIEW LN, LOT-3
		PORTLAND, OR

*Waterford Design*  
 CUSTOM HOME DESIGNS



FRONT ELEVATION

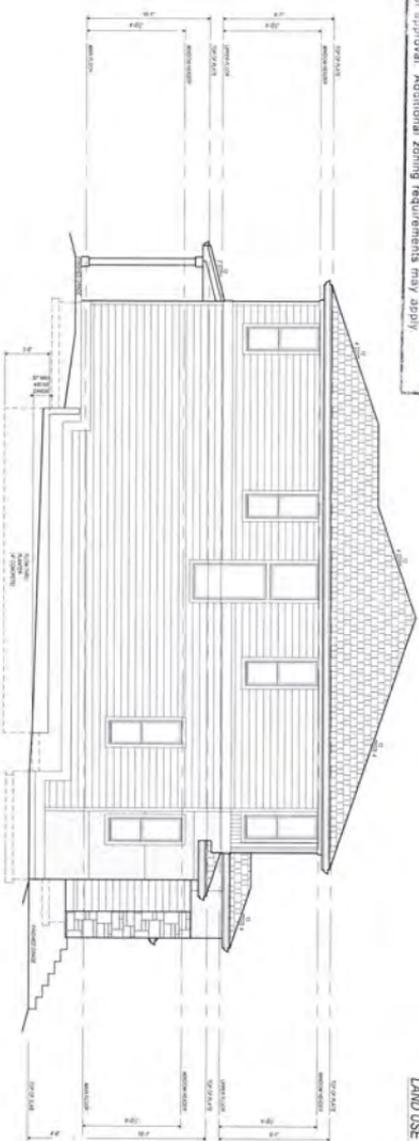
\*Approved\*  
 City of Portland - Bureau of Development Services

Planner *KM/KM*  
 Date *Feb. 4, 2015*

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

LAND AREA	1,482 SQ FT
IMPERVIOUS AREA	1,111 SQ FT
TOTAL AREA	3,138 SQ FT
GRADE AREA	551 SQ FT

ELEVATIONS REVISED AS-BUILT FOR  
 LAND USE REVIEW LU 14-238165 AD



LEFT ELEVATION

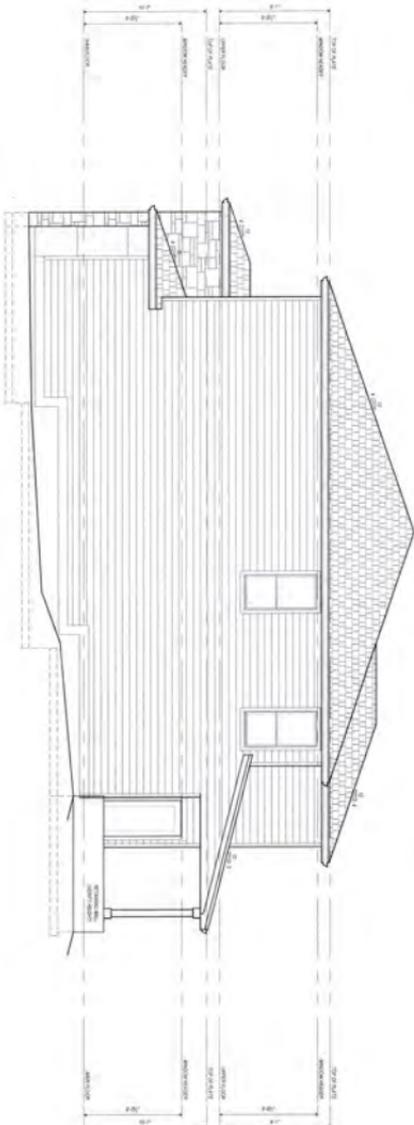
ELEVATIONS  
 SCALE 1/8" = 1'-0"

NOT TO SCALE  
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE  
 ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT  
 ALL MATERIALS ARE TO BE APPROVED BY THE ARCHITECT  
 ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE 2012 IRC AND 2012 IBC

SHEET	PLAN
1	3303

MAIN STREET DEVELOPMENT  
 SW RIDGEVIEW LN. LOT-3  
 PORTLAND, OR

*Waterford Design*  
 CUSTOM HOME DESIGNS



RIGHT ELEVATION

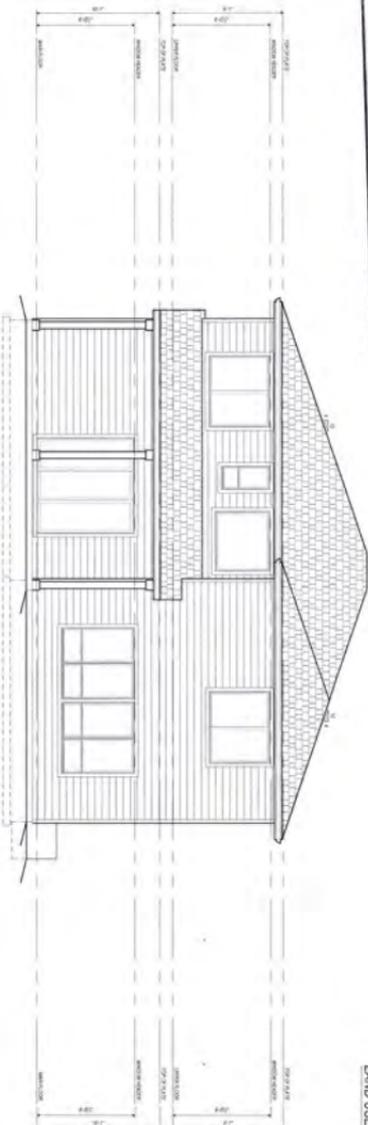
\*Approved\*

City of Portland - Bureau of Development Services

Planner *FAJ/AM*

Date *Feb. 4, 2015*

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



REAR ELEVATION

ELEVATIONS REVISED AS BUILT FOR  
LAND USE REVIEW LU 14-23165 AD

ELEVATIONS  
SCALE 1/8" = 1'-0"

SUBDIVISION: EDGECLIFF  
 PARTITION PLAT 2002-122, LOT-3 TL 103  
 SW RIDGEVIEW LN, PORTLAND, OR 97219  
 R530844

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *AMW* Date *Feb 4, 2015*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SITE PLAN REVISED AS BUILT FOR  
 LAND USE REVIEW LU 14-238165 AD

SITE PLAN  
 SCALE 1/8" = 1'-0"

SHEET	PLAN	PROJECT
C1	3303	MAIN STREET DEVELOPMENT
		PROPERTY ADDRESS
		SW RIDGEVIEW LN. LOT-3
		PORTLAND, OR

*Waterford Design*  
 CUSTOM HOME DESIGNS