



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

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**Date:** March 27, 2015  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
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## **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 14-230094 AD**

#### **GENERAL INFORMATION**

**Applicant:** Steve Miller / Emerio Design  
6107 SW Murray Blvd, Ste 147 / Beaverton, OR 97008

**Owner:** Eric Rystadt / Main Street Development, Inc.  
PMB #208 5331 SW Macadam Ave #258 / Portland, OR 97239

**Site Address:** 3300 SW FAIRMOUNT BLVD

**Legal Description:** BLOCK 27 LOT 8, COUNCIL CREST PK  
**Tax Account No.:** R180705070  
**State ID No.:** 1S1E08DA 07400  
**Quarter Section:** 3426  
**Neighborhood:** Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** None  
**Zoning:** R7c, s – Single-Dwelling Residential 7,000 with “c” Conservation Overlay and “s” Scenic Overlay Zone

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

#### **Proposal:**

The applicant is proposing the construction of a new 3,874-square-foot home on a vacant lot. This vacant lot is located within both the Environmental Conservation Overlay Zone and the Scenic Resource Overlay Zone. The environmental zone development standards allow homes to locate up to the front property line in order to avoid disturbance of protected natural resources. However, the Scenic Overlay Zone lacks such an allowance and actually requires a greater setback than the standard R7 zone requirement (20 feet instead of 15).

The applicant is requesting the Adjustment to Zoning Code Section 33.480.040.B.2.b to reduce the required street setback from 20 feet to between 1 foot, 6 inches and 9 feet for the building wall, and from 20 feet to between 0 feet and 7 feet, 6 inches for the roof eaves. The Adjustment also includes removal of the requirement to provide L1 landscaping in the area of development since the setback is reduced. The front property line abuts unimproved public right-of-way. The paved roadway of SW Fairmount Blvd. is located between 50 and 60 feet from this lot's front property line, approximately 20 feet higher than the elevation at the front property line.

**Relevant Approval Criteria:**

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:** This 6,534 square foot, steeply sloping lot is undeveloped with numerous trees and an understory of shrubs, grasses and ferns. The lot has 110 lineal feet of frontage on SW Fairmount Boulevard. The Fairmount right-of-way is very wide at this location, such that the paved roadway is located at least 50 feet from the front property line of the subject site. There is a 10 foot-wide strip of public right-of-way that follows the western property line. A paved driveway, which serves the home at 3921 SW Chesapeake Avenue, is located within the Fairmount right-of-way and the 10-foot right-of-way.

Except for the nearby Council Crest Park (zoned Open Space), the area is comprised of single-dwelling residential development. Along the SW Fairmount Boulevard, between SW Fairmount Lane and SW Chesapeake Avenue, most of the homes are built close to the street property line. Along this stretch of SW Fairmount, trees and other vegetation are relatively dense. The unimproved portion of the public right-of-way contains much of this vegetation. The rear of the subject site is located within an environmental overlay zone. A portion of Ivey Creek runs near the northwest tip of the property. The creek runs into a culvert near the site.

**Zoning:** R7, Single-Dwelling Residential 7,000 Zone; "c" Environmental Conservation Overlay Zone and "s" Scenic Resource Overlay Zone

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

**LU 06-119887 AD:** Approval of an Adjustment to reduce the scenic corridor street building setback requirement of 20 feet to 0 feet for a proposed new 3,000-square-foot home. This approval expired after 3 years with no permit to build; therefore, the current review for the same Adjustment with a different design is required.

**Public Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 9, 2015**.

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

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5);
- Bureau of Parks – Urban Forestry (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 notified property owners and two written responses from the Neighborhood Association in response to the proposal (Exhibits F.1-F.6). The letters all raised concerns regarding

the development. The major concerns focus on landslide hazards, water runoff and slope stability on this steeply-sloping lot. Several comments make a link between tree removal and increased instability. There was more than one request to prohibit construction on the subject site.

**Staff Response:** *In order to obtain a building permit for the new home, the applicant must meet building code, erosion control and stormwater management requirements. The home must be designed to address the findings of the required geotechnical report. If these and all other applicable development requirements can be met, the City cannot deny the landowner the right to build. Urban Forestry has already reviewed the permit for the proposed house. Comments included the following: "If right-of-way trees must be removed mitigation for the loss of the tree canopy will be required. At this time tree removal in the right-of-way is not permitted. Also, trees on private property that are over 12 inches diameter at breast height and not on the nuisance plant list need a permit from our office." More discussion of trees on-site is found in the findings below.*

Several letters commented that the represented square footage of the proposed house in the notice of proposal differed from the size represented by the attached plans.

**Staff Response:** *The description was based on the applicant's submitted narrative, which incorrectly identified 1,944 square feet as the size of the proposed house. However, the front elevation drawing included in the notice states the square footage of each floor, totaling 3,874 square feet of living space. The proposed plans have not changed.*

More than one letter questioned the legality of the proposed turnaround in the right-of-way between the site and SW Fairmount Blvd.

**Staff Response:** *The applicant has applied for an encroachment permit from the Portland Bureau of Transportation (PBOT). The permit is pending approval of structural calculations and a geotech report. This Adjustment review does not grant permission for the proposed work in the right-of-way.*

Finally, the letter from the President and Land Use Chair of the Southwest Hills Residential League stated the applicant should reduce the footprint, height and scale of the project overall, possibly to fit within the area between the scenic setback and the environmentally-zoned portion of the site. "Since the development would be right into the required 20' setback, it should be scaled back accordingly, and certainly shouldn't go to 4 stories."

**Staff Response:** *The applicant is meeting the height, building coverage and other development standards with the proposal. The applicant is allowed to request Adjustments and, if able to show the proposal meets the approval criteria, the Adjustment will be granted. The findings below will demonstrate whether the approval criteria are met with the current proposal.*

Other concerns 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 applicants are requesting an Adjustment to waive the 20-foot street (front building) setback and associated L1 landscaping in that setback to construct a new house. This setback requirement is applied to development within the Scenic Overlay Zone. SW Fairmount Boulevard is a designated scenic corridor.

The purpose of the regulation to be modified is found in Zoning Code section 33.480.040.B.1, which states:

The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.

The scenic overlay regulations were adopted in compliance with Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources (the goal which also lead to the adoption of Environmental Overlay Zones). The Bureau of Planning completed the work in the early 1990s. The Bureau of Planning document: Scenic Views, Sites and Corridors ESEE Analysis and Recommendations, Scenic Corridors, Volume VI, October 1990 provides the Goal 5 Economic, Social, Environmental and Energy (ESEE) analysis for the SW Fairmount Boulevard Loop as follows:

*Description of Resource: This drive forms a 3.4 mile loop that circles Council Crest Park and curves to the southeast through a wooded residential area. The drive is attractive in either direction and is popular with bicyclists, walkers and joggers, as well as with motorists. Parking on the shoulder is very limited due to the street's narrowness. Views of the City and Mt. Hood are possible between houses and through wooded areas looking to the southeast. Views of development to the southwest can be glimpsed through the trees on the western portion of the drive. Mt. St. Helens is visible from an established turnout, located near SW Sherwood Place at the northern portion of the drive. This turnout is inventoried as VP 30-07.*

*A few areas with wide shoulders exist along Fairmount. Two of these locations offer future opportunities for turnouts. One site is located approximately ¼ mile south of SW Marquam Hill Road. It is currently graveled and would require selective cutting of shrubs and small trees to open up views of the City, Mt. Hood and Mt. St. Helens. Another is located at SW Chesapeake Avenue. Selective cutting of shrubs and small trees would open up southerly views of evergreen trees and development. Four parcels located directly east of this potential turnout are currently vacant.*

*Surroundings: The adjacent residential areas are zoned either R7 or R10. Both zones allow single family residential development. The R7 zone has front yard setbacks of 20 feet for houses and 22 feet for carports and garages. The R10 zone requires 30 percent larger lot sizes and has front yard setbacks of 30 feet for both houses and carports/garages. Most Fairmount Boulevard houses built downhill from the street are constructed on pilings with carports and garages placed at or near the front property line. **Due to the steep terrain and the limited view impact on parcels on the opposite side of the street, major variances to reduce the front yard requirement generally receive approval.** In some cases, parking decks have been built in the right-of-way. Such right-of-way permits require approval of the Portland Office of Transportation. (emphasis added)*

The information from the Planning Bureau document provides background as to the character and basis for the corridor designation. The report noted that numerous lots on the downhill side of the street had received “major variances” (the Zoning Code now uses the term “Adjustments”) to reduce the required front setback. Upon review of land use review history of nearby properties, the homes at 3306, 3314 and 3318 SW Fairmount and 3921 SW Chesapeake received City approval to reduce the building and/or parking area setback along the street.

The report notes that a turnout could be established at SW Fairmount and Chesapeake. However, the report does not recommend that the City (Transportation) widen the public right-of-way or purchase privately owned land to establish the turnout. Currently there is a graveled turnout just west of the subject site.

In response specifically to this approval criterion, this proposal will preserve the scenic character of SW Fairmount. Except for a proposed driveway turnaround, the 50- to 60-foot-deep vegetated right-of-way that separates the lot from the roadway will remain unchanged. (Note: Any proposed improvements, including tree removal or trimming, requires separate permit approval from PBOT and/or the City Forester.)

Most of the homes on the downhill side of SW Fairmount are located close to the front property line. The unimproved right-of-way elsewhere in the immediate area is narrower than this stretch of SW Fairmount along the subject site’s frontage. Consequently the proposed new home will appear further set back, even at a 0-foot setback, than many of the homes in the immediate vicinity. Furthermore, because of the steepness of the site, the roof of the new home will be approximately at the level of the SW Fairmount roadway. The house will have limited visibility from SW Fairmount.

The current site plan calls for removing 19 trees onsite and 5 trees in the right-of-way. According to the site plan, after these removals, 14 trees will remain completely or partially onsite (all of which are in the Environmental Overlay zone on the north end of the property) with 16 more trees in the right-of-way between the front (south) property line and the paving on SW Fairmount Blvd.

The applicants have not proposed the planting of new trees on the lot, though the narrative (Exhibit A.1) and a follow-up submittal (Exhibit A.4) both indicate they are open to planting replacement trees. In order to equally meet the purpose of the setback regulation, which includes tree preservation and providing additional landscaping, the applicant will be required to plant new trees on the lot through a condition of approval. The number to be required is roughly equivalent to the number of trees (10) proposed to be removed in the first 20 feet of the property (the scenic setback area). The number of total trees required will be calculated using the tree density calculations of Tree Code Section 11.50.050.C.2 and Table 50-2 to provide tree canopy for 3,000 square feet. This would result in the planting of 3 large trees, 6 medium trees or 10 small trees, or some combination thereof to result in tree canopy in 3,000 square feet of the site. The

trees may be planted at the rear of the lot in the Environmental Overlay zone as long as only hand-held equipment is used. This condition does not replace any mitigation that might be required for the loss of trees in the right-of-way. Additional restrictions are listed in the condition of approval.

The other parts of the purpose statement for the Scenic Overlay Zone are not relevant to the requested Adjustment. The length of the building wall does not apply to residential structures (and the proposed house is well under the 100-foot length applied to other structures). The proposal includes no accessory structures in the side setbacks; no signs and no mechanical equipment needing to be screened.

By replacing a number of the trees equivalent to those that will be removed within the first 20 feet of the front property line, the purpose of the scenic corridor regulations will be met. The wooded character of the SW Fairmount loop will be maintained. The purpose statement is equally met, and this criterion is satisfied.

- 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:** As described above, many existing homes on the north (down-slope) of SW Fairmount are located close to the front (street) property line. Though the proposed new home will be located close to the front property line, the visual impacts will be minimal. The public right-of-way is inordinately wide at this location. There are 50 to 60 feet of unimproved (vegetated) right-of-way between the property line and the roadway. This provides ample separation between the home and the street activities. Further, the proposed home will be cut into the slope of the hill and will not be visible from the roadway.

Tree replacement will be required on the site as a condition of approval. The proposed development will not significantly detract from the livability or appearance of the residential area. 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:** Only one adjustment is requested. This criterion 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.

Although this request seeks to adjust a Scenic Overlay Zone requirement, the impacts of this request to the scenic corridor will be negligible. At this location, the right-of-way is extremely wide. Because the home will be located at least 50 feet back from the paved roadway, it will have the appearance of being set back further than many nearby homes on SW Fairmount, many of which have received similar permission to reduce the front setback. Furthermore, the new house will be cut into the slope of the hill making the highest point of the home, the roof, at or below the level of the roadway. The home will not dominate the street. A condition will require the planting of at least replacement trees on the site. This condition is intended to maintain the natural appearance of the forested corridor. This criterion is satisfied.

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

**Findings:** The Scenic Corridor Overlay Zone and R7 Zone development standards allow the removal of trees to develop residential structures. Section 33.480.040.B.2.g of the Scenic Resource Overlay Zone chapter allows trees to be removed if the tree is located within 10 feet of a structure. There are also provisions in this chapter that allow for the replacement of trees that are removed. However, because the applicants are requesting the adjustment to the setback, mitigation is required for the loss of 10 trees that are located within 20 feet of the front property line. Once mature, the replacement trees will maintain the forested character of this site. In the interim, the young trees will contribute to slope stability and natural habitat. 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:** A large section of the site is within the Environmental Conservation Overlay zone, which is designated on the zoning map by a “c” overlay. This site is relatively unique in that it has two “competing” overlay zones. The scenic overlay at the front of the lot has standards that push the development back and require tree retention. In contrast, the environmental overlay zone at the rear pushes the development towards the street in order to limit development/disturbance in the resource area. If not for the scenic overlay zone on the site, a reduction of the front building setback to 0 feet would be allowed per Section 33.110.220.D.3, which states:

Environmental zone. The front building and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone.

The submitted site plan shows the proposed new home and related disturbance to not extend within the environmental resource area (located 25 feet in from the edge of the environmental zone boundary). The applicant is requesting the scenic corridor street setback Adjustment in order to keep the development outside of the resource area.

This request satisfies this criterion without degrading the scenic resource of the scenic overlay zone (criterion D). The applicant will be required to plant new trees on the site equivalent to tree canopy over 3,000 square feet. The trees will retain the scenic qualities of the corridor while adding to the functional values of the protected resource area.

Note: The environmental zoning at the back of the lot restricts tree cutting and vegetation removal. If the applicants, via the building permit, propose installing a sanitary sewer connection through the environmental zone, they will be required to plant additional native landscaping as mitigation for the disturbance. This will be required at the time of building permit review per Zoning Code Section 33.430.150.

## **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**

Based on the findings of this report, the applicable approval criteria are met or will be met through compliance with the condition of approval. The setback reduction will not be readily apparent from the SW Fairmount roadway due to the deep right-of-way to the north of SW Fairmount Blvd. So that the forested character of the area is retained, the applicants must

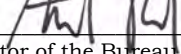
plant new trees on the site to replace the 10 trees proposed to be removed in the 20-foot-deep scenic setback area on the site.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.480.040.B.2.b to reduce the required street setback from 20 feet to between 1 foot, 6 inches and 9 feet for the building wall, and from 20 feet to between 0 feet and 7 feet, 6 inches for the roof eaves, per the approved plans, Exhibits C.1 through C.6, signed and dated March 25, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-230094 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Using the tree density calculations of Tree Code Section 11.50.050.C.2 and Table 50-2, The applicant must provide replacement tree canopy for 3,000 square feet. This would result in the planting of 3 large trees, 6 medium trees or 10 small trees, or some combination thereof to result in tree canopy in 3,000 square feet of the site. These trees are in addition to the remaining trees on the site, and will be selected from the Portland Plant List tree list for *Western Hemlock-Douglas Fir Forest* native plant community. Each tree must meet the minimum planting size requirements of Section 33.248.030.C. Planting shall occur between October 1 and March 31 (the planting season). Prior to installing required plantings, non-native invasive plants shall be removed from all areas within 10 feet of trees, using handheld equipment. All mitigation trees shall be marked in the field by a tag attached to the top of the tree for easy identification by the City Inspector. Compliance with this condition will be verified by a separate Zoning Permit with inspection.

**Staff Planner: Amanda Rhoads**

Decision rendered by:  on **March 25, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 27, 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 October 24, 2014, and was determined to be complete on **February 2, 2015**.

*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 24, 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 30 days. Unless further extended by the applicant, **the 120 days will expire on: July 2, 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 April 10, 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 **April 13, 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.

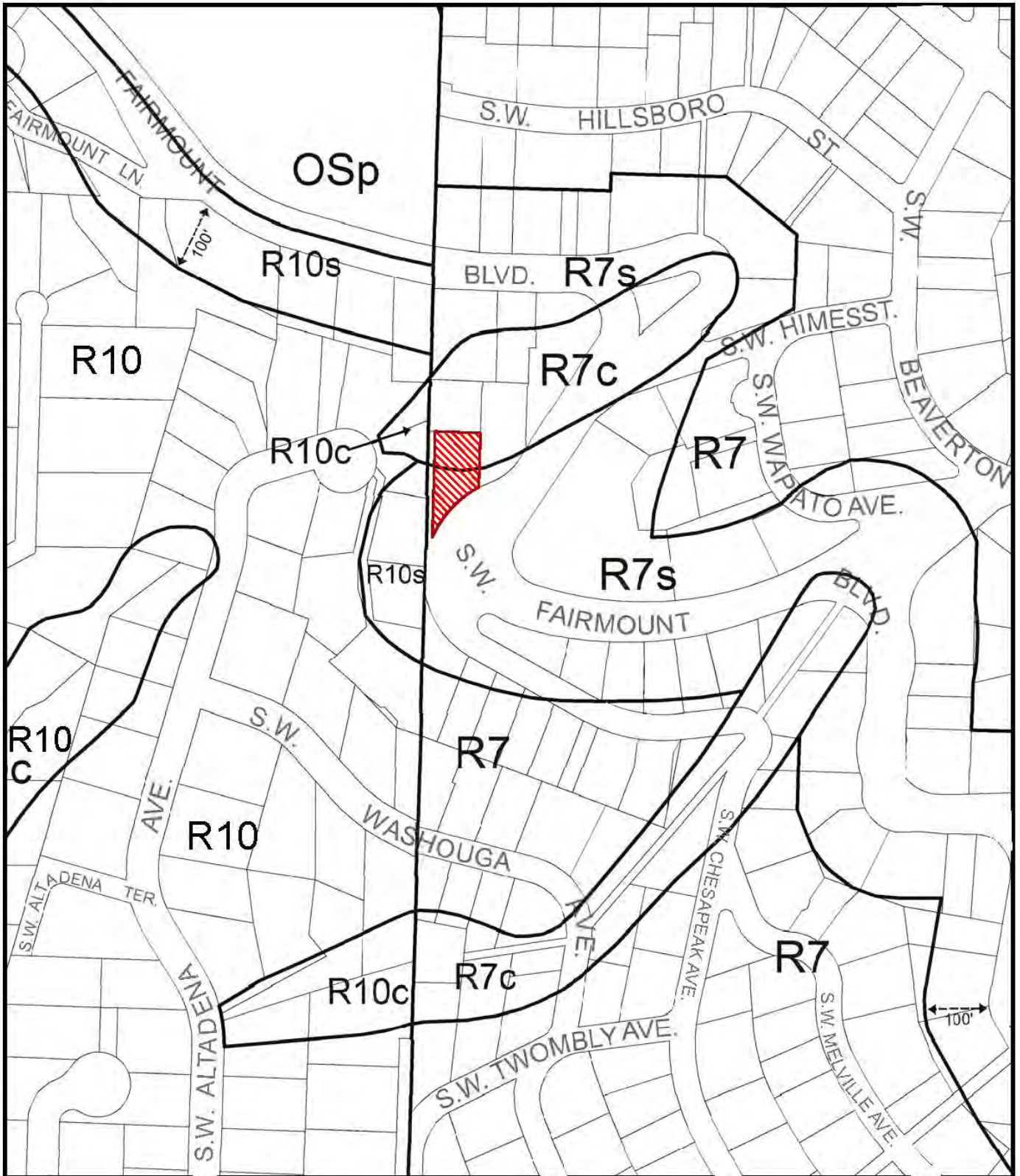
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
  - 2. Original Site Plan
  - 3. Original Plan Set
  - 4. Applicant Email on PBOT ROW Encroachment Permit for Turnaround, December 23, 2014
  - 5. Applicant Email on PBOT ROW Encroachment Permit for Eaves, December 30, 2014
  - 6. Applicant Memo, March 20, 2015
  - 7. 2003 Geotechnical Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. East Elevation (attached)
  - 4. South Elevation (attached)
  - 5. North Elevation
  - 6. Survey, November 25, 2014
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation
  - 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. Jim Slover, February 17, 2015, in opposition
  - 2. Ryan Else, February 23, 2015, in opposition
  - 3. Nancy Seton, SW Hills Residential League President, February 23, 2015, with questions
  - 4. Ryan Else, February 24, 2015, with clarifications
  - 5. John Eighmey, March 1, 2015, in opposition
  - 6. Nancy Seton, SW Hills Residential League President, March 2, 2015, in opposition
- G. Other:
  - 1. Original Land Use Application and Receipt
  - 2. Incomplete Letter, November 18, 2014
  - 3. Request for Extension of 120-Day Review Period, for 30 days, March 20, 2015
  - 4. 1967 Survey of Subject Site

**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



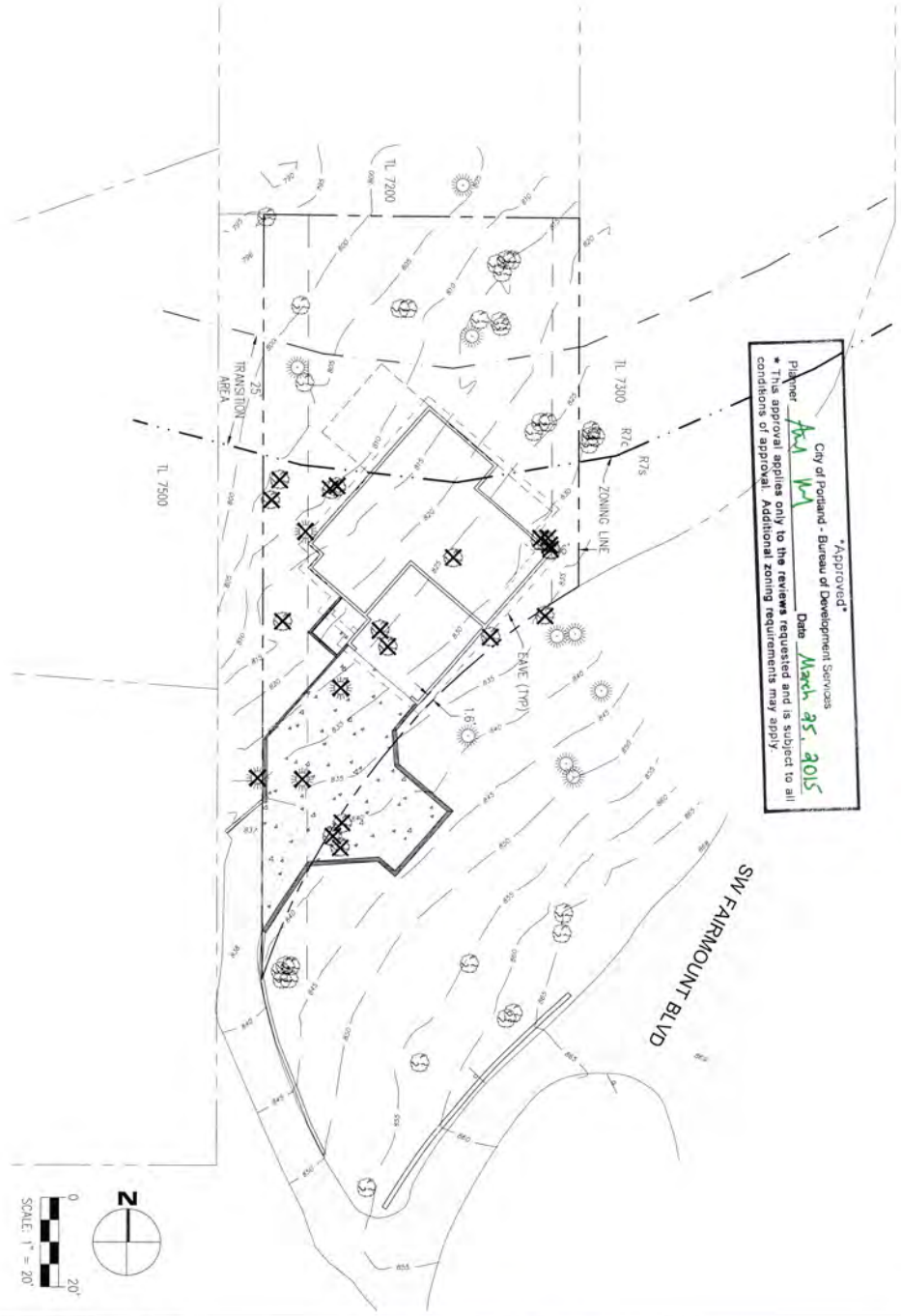
File No.	<u>LU 14-230094 AD</u>
1/4 Section	<u>3426</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E08DA 7400</u>
Exhibit	<u>B (Oct 28, 2014)</u>

"Approved"

City of Portland - Bureau of Development Services

Planner: *AKA WA* Date: *March 25, 2015*

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



PROJECT #: 178-013  
 DATE: 07/21/2015  
 DRAWN BY:  
 SHEET #: 1 OF 1

**3300 SW FAIRMOUNT BLVD**  
**PORTLAND, OREGON 97239**

COUNCIL CREST PK, BLOCK 27, LOT 8  
 SW 1/4, SE 1/4, SEC. 32, T.1N R.1E W.M.  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

\*Approved\*

City of Portland - Bureau of Development Services

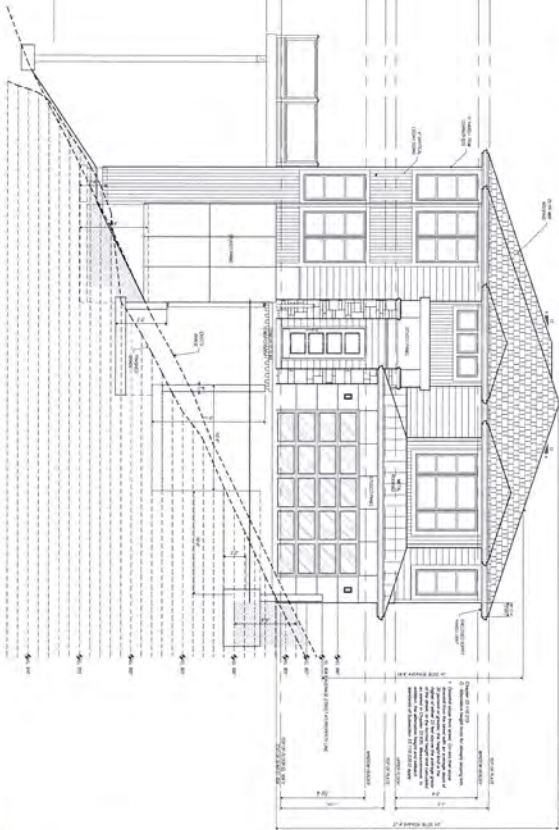
Number

*A1.1.1*

Date

*March 23, 2015*

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



FRONT ELEVATION

FLOOR	FINISH	FINISH
CEILING	950 0217	950 0217
WALL	950 0217	950 0217
FLOOR	950 0217	950 0217
CEILING	950 0217	950 0217
WALL	950 0217	950 0217
FLOOR	950 0217	950 0217
CEILING	950 0217	950 0217
WALL	950 0217	950 0217
FLOOR	950 0217	950 0217

NOT TO SCALE  
ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE  
ALL FINISHES TO FACE UNLESS NOTED OTHERWISE  
ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT  
ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT

PROJECT: MAIN STREET DEVELOPMENT  
PROJECT ADDRESS: 3300 SW FAIRMOUNT BLVD.  
PORTLAND, OR

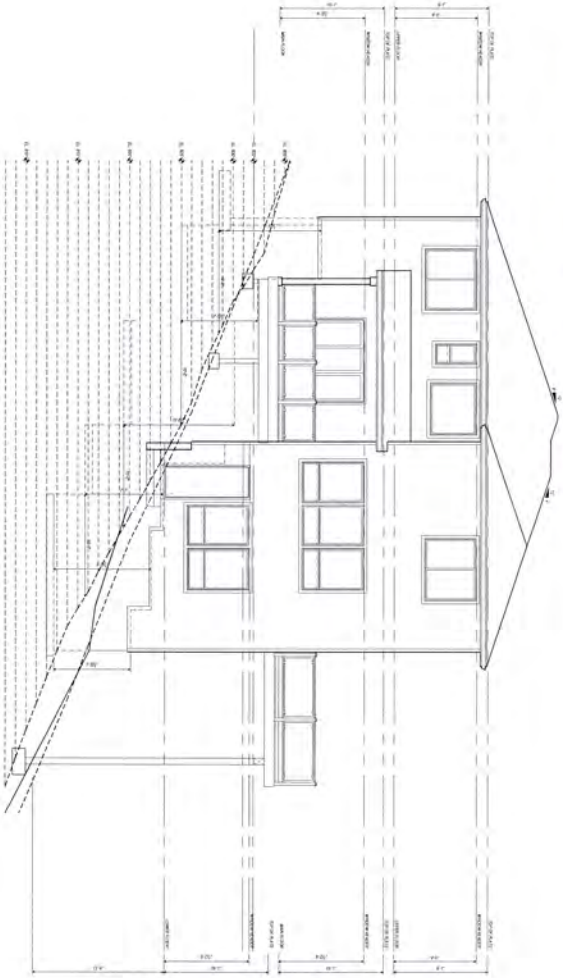
*Four Waters Design*  
11111 SW 10TH AVENUE  
PORTLAND, OR 97219

ELEVATIONS  
SHEET A1.1

CASE NO. *6114-230014 Ad*

EXHIBIT *C.2*

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner: **KA/M**  
 Date: **March 25, 2015**  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



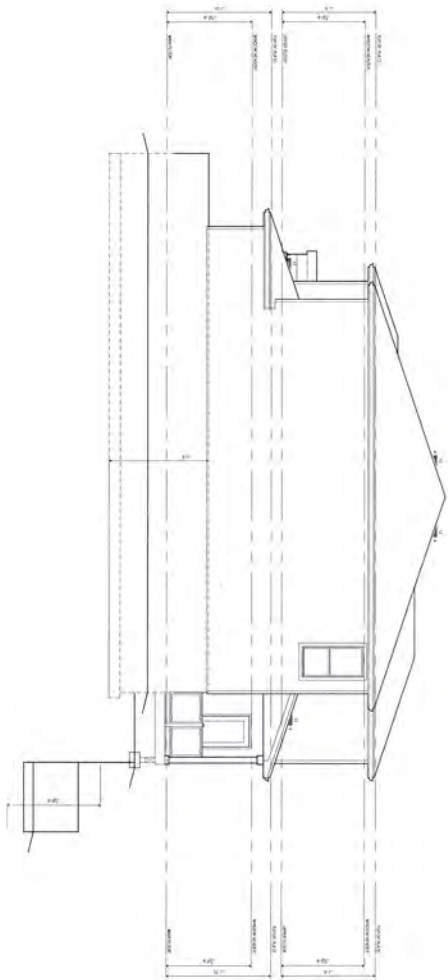
REAR ELEVATION

ELEVATIONS  
 SHEET  
 PLAN  
 3874  
 A1.4

MAIN STREET DEVELOPMENT  
 PROJECT ADDRESS  
 3300 SW FAIRMOUNT BLVD.  
 PORTLAND, OR

*Four Waters Design*  
1616 1/2 NE 15TH AVE. PORTLAND, OR 97232  
 (503) 254-4111

**"Approved"**  
 City of Portland - Bureau of Development Services  
 Planner Kelly H. H. Date March 27, 2015  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



RIGHT ELEVATION

ELEVATIONS  
 SHEET 3874  
 OF 3874

SHEET	PLAN	3874
	ELEVATIONS	3874
DATE	11/11/14	
PROJECT	3300 SW FAIRMOUNT BLVD.	
OWNER	PORTLAND, OR	
DESIGNER	FOUR WATERS DESIGN	
SCALE	AS SHOWN	
NOTES	1. ALL DIMENSIONS ARE TO FINISH UNLESS OTHERWISE NOTED. 2. FINISH GRADE IS INDICATED BY A DASHED LINE. 3. FINISH FLOOR IS INDICATED BY A DOTTED LINE. 4. ROOF PITCH IS INDICATED BY A NUMBER OVER A NUMBER. 5. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS APPROVED BY THE CITY OF PORTLAND. 6. THIS DRAWING IS THE PROPERTY OF FOUR WATERS DESIGN AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF FOUR WATERS DESIGN. 7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND. 8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND. 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND. 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND.	

**PROJECT ADDRESS:**  
 3300 SW FAIRMOUNT BLVD.  
 PORTLAND, OR

*Four Waters Design*

FOUR WATERS DESIGN  
 1000 SW 4TH ST  
 PORTLAND, OR 97204

CASE NO. LU 14-230074 AD

EXHIBIT C.4



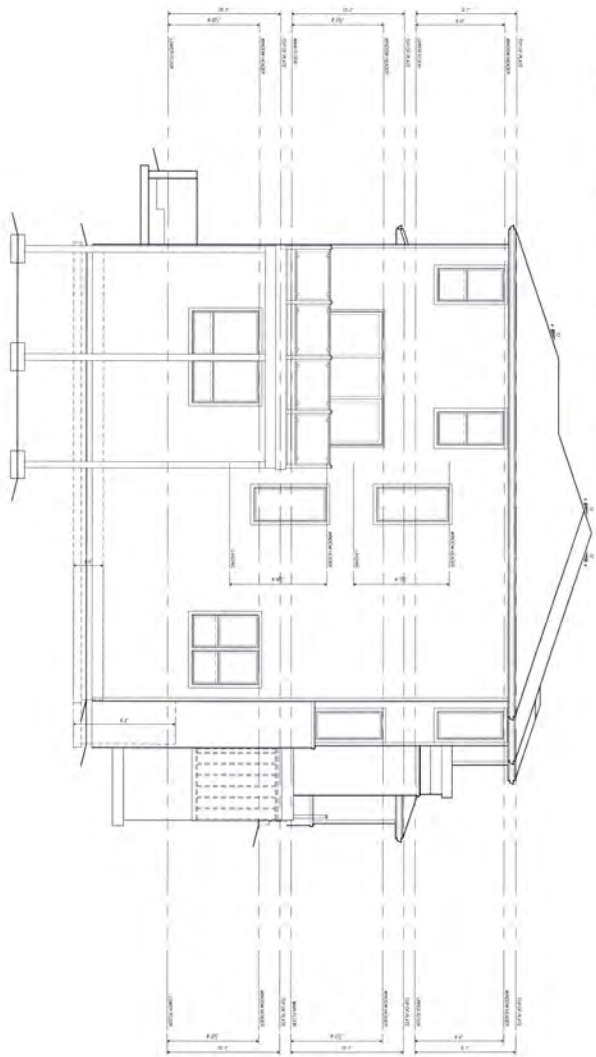
\*Approved\*

City of Portland - Bureau of Development Services

Planner: *Ann W*

Date: *March 25, 2015*

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



LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

SHEET	PLAN	REVISIONS
A1.2	3874	
MAIN STREET DEVELOPMENT PROJECT ADDRESS: 3300 SW FAIRMOUNT BLVD. PORTLAND, OR		

*Four Waters Design*  
CUSTOM HOME DESIGNS

