



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** May 22, 2015  
**To:** Interested Person  
**From:** Mark Walhood, City Planner  
503-823-7806 / [mark.walhood@portlandoregon.gov](mailto:mark.walhood@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 15-134149 NU**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Michael McPartland  
11552 NW St. Helens Rd / Portland OR 97231

**Site Address:** 11552 NW ST HELENS RD

**Legal Description:** TL 500 0.23 ACRES, SECTION 03 1N 1W  
**Tax Account No.:** R961030230  
**State ID No.:** 1N1W03AB 00500  
**Quarter Section:** 1918  
**Neighborhoods:** Forest Park, contact Jerry Grossnickle at 503-289-3046; and Linnton, contact Ed Jones at 503-799-5368.

**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Zoning:** **IH** (Heavy Industrial)  
**Case Type:** **NU** (Nonconforming Situation Review)  
**Procedure:** **Type II**, an administrative decision with appeal to the Hearings Officer.

**PROPOSAL:** The original structure at 11552 NW St. Helens Road was built in 1927 as a two-bedroom, single-story, 720 square foot home. The current owner purchased the property in 1996 and began a series of additions and alterations to the home, including a new basement and attached "greenhouse" structure that was originally permitted as non-residential, industrial space to avoid a Nonconforming Situation Review. The new basement and "greenhouse" have both since been converted to residential use, a second kitchen and "art studio" with separate entry and bath has been added to the basement, and several new outbuildings have been constructed on the property. One of the new outbuildings shown on the submitted site plan encroaches into the adjacent lot to the south, and aerial photos show other structures in recent years have encroached over the both the south and east lot lines onto neighboring private land, as well. In the Fall of 2014 BDS received a complaint about another in-progress addition being made to the home, as well as new outbuildings. The

property is currently under City of Portland enforcement for unpermitted work that does not comply with Building and Zoning Code regulations (case file #14-208225 HS).

Regulations for nonconforming uses allow the use to continue, but require a Type II Nonconforming Situation Review for expansions of floor area in excess of 500 square feet. With the converted interior floor area and new outbuildings, there has been well over 500 square feet of new residential floor area added to the site since the current owner purchased the property. Residential uses are prohibited in the IH zone, but the original portion of the home has legal nonconforming status. Therefore, in order to legalize the expanded home and 7 outbuildings as shown, the applicant has requested a Type II Nonconforming Situation Review.

**RELEVANT APPROVAL CRITERIA:** In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at **33.258.080.B.1-3, Nonconforming Situation Review Approval Criteria.**

## ANALYSIS

**Site and Vicinity:** The site is a rectangular parcel of approximately 10,000 square feet, located on the east frontage of NW St. Helens Road in a largely industrial area. The area is a relatively flat stretch of land between the east side of NW St. Helens Road and the adjacent railroad corridor beyond, which separates the property from the industrial river frontage land. There is a gradual slope to the properties heading downhill to the east, from NW St. Helens Road to the railroad tracks. Nearby lands along NW St. Helens Road and heading towards the river are dominated by industrial land uses, including several nearby petroleum storage and distribution facilities. The steeply-sloping hillsides to the west of NW St. Helens Road have smaller industrial uses and some older hillside homes, with Forest Park beyond to the west. This specific location, because of the empty, wooded parcels both to the east fronting on the river, and to the west climbing up the hill, has a wooded, remote, rural character.

The site and the adjacent homes have vehicle access via private access easements, allowing the main vehicle circulation to occur outside the public right-of-way. This site and the adjacent three homes immediately to the north have 'driveway' access onto NW St. Helens via an L-shaped vehicle access that abuts the south and east ends of the subject site. Although the abutting stretches of NW St. Helens Road are paved with bike lanes on both sides, there are no pedestrian sidewalks abutting the site, and the adjacent private driveway is a gravel surface.

**Zoning:** Zoning regulations allowed residential uses at the site from the time of Portland's first Zoning Code in 1924, through 1969 when residential uses became prohibited in the M1 (Heavy Manufacturing) Zone. Today's Heavy Industrial zoning, in place since 1991, also prohibits residential uses (except for houseboats, which can be requested through a Conditional Use process). Residential uses are considered nonconforming uses in industrial zones if they were allowed when constructed, as is the case for the home at 11552 NW St. Helens Road. Nonconforming residential uses in I zones are prohibited from adding additional dwelling units to the site, and are prohibited from expanding onto adjacent land that is not under the same ownership (33.258.050.C.2.d). Expansions of floor area are limited to 500 square feet without a Nonconforming Situation Review (33.258.050.C.2.b). Exterior improvements (e.g. at-grade exterior paving, walkways, an in-ground pool, etc.) for residential uses in I zones, however, are allowed if they comply with the applicable development standards of the base zone (33.258.050.C.2.c).

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

**Agency Review:** A "Notice of Proposal" was mailed **April 17, 2015**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and responded without objection to the requested Nonconforming Situation Review. The proposed development will be subject to BES standards and requirements during the building permit review process. Exhibit E.1 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and responded with comments, but no objections or concerns are raised with regards to the requested Nonconforming Situation Review. The proposal must comply with firewall requirements and all other applicable building codes and ordinances. Exhibit E.2 contains staff contact and additional information.

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and notes that there is no public sewer available to this area, and that the existing on-site cesspool for sanitary services must remain. No specific objections or requested conditions of approval were raised in relation to the requested Nonconforming Situation Review. Exhibit E.3 contains staff contact information.

The *Development Review Section of Portland Transportation* has reviewed the proposal and responded without either concerns or specific comments (Exhibit E.4).

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on April 17, 2015. One written response has been received from a notified property owner in response to the proposal. This letter, written by a neighboring property owner who shares the private driveway access parcels with the subject site, raised several concerns and issues:

- Cement blocks were added by the applicant in the private driveway easement, which makes maneuvering through the area difficult with larger vehicles, moving trucks or trailers, and during icy weather. These concerns have been pointed out to the applicant but disregarded over time;
- Parking of residential vehicles in the private driveway easement is also problematic, as the cars make entering and exiting the from NW St. Helens Road unsafe and dangerous, as unlit cars are in the way;
- Debris being stored on the subject and neighboring residential sites adjacent to the driveway easement tends to fall into the shared driveway area, especially more so in recent years, to the point where neighboring residents have to stop their car, get out, and move or relocate the debris to continue;
- Frank at Owens Corning (the company contact for the landowner of the driveway easement parcels) has helped enforce the private driveway easement in the past, but newer owners of the adjacent homes now regularly leave “debris, wood, canopies, and parking throughout the length of the road”; and
- Because the regulations for these adjacent nonconforming houses should be the same, nobody should be able to expand their use onto the adjacent property, beyond the original property lines.

**Staff Response:** The regulations for nonconforming uses do not allow the use to expand beyond the original property lines, which will be discussed further in the findings, below. However, the enforcement of private driveway or access easements on private land, unless they are those required by a land division or other City of Portland land use review, are not typically enforceable by any public agency, as they are solely private or civil agreements. If a new home was proposed today on a parcel whose only access to the adjacent public road was via private easement it could be problematic, but this is an older cluster of homes built in the early 20<sup>th</sup> century long before land division regulations existed (1979). Although issues with regards to expanding the use onto adjacent property, litter, and the amount, location and nature of outside activities are relevant and will be discussed below, the enforcement of private access easements is beyond the scope of this land use review.

## ZONING CODE APPROVAL CRITERIA

### 33.258.010 Overall Purpose of Regulations for Nonconforming Situations

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

### 33.258.080 Nonconforming Situation Review

**B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:

- a. The hours of operation;

**Findings:** There are not proposed changes to the hours of operation, which as a household living use is 24 hours a day. Hours of operation limits are typically applied to nonconforming nonresidential uses in residential zones, where off-site impact standards and night-time use restrictions generally apply. With regards to the hours of operation, this criterion is met.

- b. Vehicle trips to the site and impact on surrounding on-street parking;

**Findings:** The residential additions and various outbuildings added to the site over the years have not increased vehicle trips to the site over time, as the vehicle trips have remained steady since the current owner purchased the property. Some of the outbuildings at the site do contain storage materials for the home-based business of the owner (remodeling materials/tools, etc.). The changes simply propose additional residential floor area on the site, increasing the size of a home and accessory outbuildings on the property, without new dwelling units or other uses.

Portland Transportation has reviewed the proposal for impacts to the overall transportation system, including impacts to on-street parking, and has responded without objections or concerns. It should be noted that the concerns about parking in the private driveway easement are not relevant to this finding about impacts to surrounding on-street parking. There are no on-street parking spaces in the adjacent sections of NW St. Helens Road, which functions as a four-lane highway with a center turning lane and bike lanes on each side. With regards to vehicle trips to the site and impacts on surrounding on-street parking, this criterion is met.

- c. Noise, vibration, dust, odor, fumes, glare, and smoke;

**Findings:** The existing and proposed residential (household living) use on the site has been in place for over 85 years. Residential uses are not typically associated with impacts regarding noise, vibration, dust, odor, fumes, glare and smoke. The

current code enforcement case had to do with unpermitted outbuildings and building additions, but no concerns regarding the issues in this criterion have been raised in that enforcement case or in the separate current neighbor letter for this land use review. Noise, vibration, dust, odor, fumes, glare and smoke are relevant factors when weighing the expansion of nonconforming nonresidential uses in residential zones, but not typically for houses in an industrial zone. Therefore, with regards to the factors noted above, this criterion is met.

d. Potential for increased litter; and

e. The amount, location, and nature of any outside displays, storage, or activities; and

**Findings for d and e:** Household living uses are not typically associated with litter or exterior storage impacts. However, in this case a neighbor has raised concerns about the proposal because storage materials, wood, debris and other items from the subject site are claimed to regularly intrude into the adjacent private driveway easement parcels to the south and east of the site. This driveway easement parcel provides the sole point of vehicular access for the four adjacent residences to NW St. Helens Road (11552, 11616, 11650-11656 & 11668 NW St. Helens Rd.). The neighbor claims that debris and materials storage, along with trash (litter), regularly extends over the property lines into this adjacent shared vehicular access area. When staff conducted their site visit during the public comment period, there were stored materials, autos and some scattered trash or litter in the driveway easement area, as well as overgrown vegetation, creating an unkempt appearance and giving the impression that this area belongs to the house at the subject site.

Nonconforming residential uses in the IH zone are not allowed to expand beyond their property lines as existed at the time the use became nonconforming, unless the property onto which they expand was and continues to be in the same ownership as the subject site. The adjacent private driveway parcels were never owned by the homeowners of the four homes found in this small cluster of nonconforming homes in the IH zone, as this land was and continues to be owned by a nearby industrial firm.

Aerial photos document that the applicant has been spilling materials, buildings, and parking over the property lines and into the driveway easement over time. The landscape block retaining wall noted by the neighbor in the private driveway easement just south of the subject site has the effect of privatizing a significant portion of the easement for the exclusive use of parked vehicles and stored materials. This privatized, retained area also appears to currently support an outbuilding that straddles the property line, extending fully onto the driveway easement area, as shown on the site plan. This retained flat area reduces the open, undeveloped character of the adjacent driveway parcel, and has the appearance of an unkempt residential storage area right as you enter or pass the property to access the three other homes, which are all further north along the driveway easement. The two adjacent homes to the north also had some outdoor storage activity occurring beyond their original property lines, but these sites are not the subject of this application.

Parking of vehicles on the site is shown in photos provided by the applicant as occurring in a parallel fashion to the road, with two out of three vehicles in the photos contained within the property lines of the site. A nearby neighbor has complained about the safety impacts of vehicles parked in the driveway easement south of the house which hinder access from NW St. Helens Road for others. This neighbor also claims that the stacked landscape blocks in the easement area create circulation difficulties for larger vehicles, cars with trailers, and moving vans as they round the corner where the driveway easement goes from

approximately east-west to north-south in direction. Because buildings have been added to the southerly entry/access point to the property over the years, there is only a shallow, limited on-site area for parking vehicles, unless parking occurs inside one of the garage-like outbuildings. The appearance and layout of the parking areas on the south side of the site are confusing and haphazard, with no clear driveway or parking zone, and the parking clearly spills over the property lines into the shared driveway easement area (a prohibited expansion of the residential use beyond the lot lines, as noted above).

It is unclear how many on-site parking spaces exist on the site, and it does not appear that there is sufficient off-street uncovered parking along the southern edge of the site to accommodate the number of vehicles that regularly park at the property, based on photographic evidence provided by the applicant, as well as comments from a nearby property owner. Historic aerial photographs show that the property had a much larger on-site parking area and driveway until some of the new outbuildings built (without permits) reduced the area available for parking significantly, effectively creating a wall of buildings along the south property line. The only apparent on-site parking area appears to be only approximately 35'-0" wide by 16'-0" deep, allowing for only one 9'-0" by 18'-0" legal parking space on the site, oriented perpendicular to the driveway easement. It is unclear if any vehicle areas exist in the outbuildings, but in any event there appears to be insufficient outdoor on-site parking for the number of vehicles regularly parked at the site. This re-location of the on-site parking area into the adjacent driveway easement parcel occurred as a direct result of the numerous additional outbuildings placed along the southern property line without benefit of permits to clarify where on-site parking is provided.

The stacked landscape blocks have the effect of creating a privatized, separate area in the easement for the exclusive use of the home on the subject site, which amounts to an expansion of the outdoor activities for the house beyond the original property lines, which is prohibited as noted above.

Based on the above facts, a multi-part condition of approval is necessary to ensure that the following mitigation or corrective actions occur:

- The expansion of the residential use onto the adjacent private driveway easement parcels to the south and east of the site must be discontinued, including removal or re-location of all outbuildings, exterior storage areas, and parking areas from beyond the original property lines of the site;
- The applicant must take measures to re-locate and contain all accessory exterior storage of materials, wood, and trash or litter completely within the original property lines of the site;
- The applicant must remove the landscape blocks which encroach into the adjacent private driveway easement, creating a privatized retained parking area, OR some form of permanent physical obstructions (e.g. fencing, bollards) must be placed in this area preventing the land from being used for residential parking that serves the house;
- The applicant must document the location and number of all accessory parking spaces on the site, each required to be at least 9'-0" by 18'-0" in size, and reconfigure parking areas as necessary to contain all necessary future resident and guest parking on the site within the original property lines of the site; and
- To properly document the elimination of encroachments beyond the original lot lines and reconfigured parking as noted above in this condition, the applicant shall obtain and receive final inspections on a Zoning Permit and/or Building Permit.

With the condition of approval as noted above, these criteria can be met.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
  - a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs; and

**Findings:** The site is in an Industrial (I) zone. This criterion does not apply.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

**Findings:** The desired function and character of the IH zoning at the site is to provide a place for industrial uses to locate, including uses which may not be desirable in other zones due to their objectionable impacts or appearance. The subject site is one of four nonconforming residential uses in a small cluster along NW St. Helens Road, north of the St. Johns Bridge. The site and other adjacent homes are separated by distance and trees from the nearest industrial uses to the northeast and southeast along the river. Any minimal changes to the site to ensure that all residential development remains contained within the original lot lines will not increase the number of scale of residential uses on the site in a way that negatively impacts nearby industrial firms of land. Therefore, this criterion is met.

## 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.

For future building permit applications at the site, the applicant will need to address Title 11, the City of Portland Tree Code. No trees are proposed for removal at this time, and the dollar valuation of any new small outbuildings is unlikely to trigger the requirement for planting new trees, but as buildings move or other changes occur to contain all the residential activity within the property lines going forward, there may be tree-related issues at that time.

## CONCLUSIONS

The site is one of four nearby nonconforming residential uses in the IH zone, forming a small cluster of homes along NW St. Helens Road. Since purchasing the home in 1996, the owner has added several outbuildings, reconfigured parking, and expanded the residential uses onto an adjacent property. Nonconforming residential uses in I zones are prohibited from expanding beyond their property lines, including with new structures, exterior storage of materials, or vehicular parking. The row of buildings added along the south property edge effectively pushes parking for this site over the lot lines and into the shared driveway easement, which must be corrected in order to approve this application. To resolve the situation and meet the approval criteria for this request, a condition of approval will require a permit to document the re-location of all residential activity to within the site boundaries, including re-location of buildings and reconfiguration of parking as necessary.

## ADMINISTRATIVE DECISION

**Approval of a Nonconforming Situation Review** to expand the household living use on the property at 11552 NW St. Helens Road, in an IH zone, including the expanded home itself and

eight outbuildings as identified, as indicated on the approved plans and drawings\*, Exhibits C.1 through C.16, all signed and dated May 19, 2015, and 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 15-134149 NU."
- B. To properly document the elimination of encroachments beyond the original lot lines and reconfigured parking, the applicant shall obtain and receive final inspections on a Zoning Permit and/or Building Permit to accomplish the following corrective or mitigating actions:
  1. The expansion of the residential use onto the adjacent private driveway easement parcels to the south and east of the site must be discontinued, including removal or re-location of all outbuildings, exterior storage areas, and parking areas from beyond the original property lines of the site;
  2. The applicant must take measures to re-locate and contain all accessory exterior storage of materials, wood, and trash or litter completely within the original property lines of the site;
  3. The applicant must remove the landscape blocks which encroach into the adjacent private driveway easement, eliminating the privatized retained parking area that was created, OR some form of permanent physical obstructions (e.g. fencing, bollards) must be placed in this area preventing the land from being used for accessory residential parking for the house; and
  4. The applicant must document the location and number of all accessory parking spaces on the site, each required to be at least 9'-0" by 18'-0" in size, and reconfigure parking areas as necessary to contain all necessary future resident and guest parking within the original property lines of the site. Re-location of existing outbuildings to create an expanded on-site parking area as existed in earlier years at the site is allowed and encouraged, provided the relevant parking and IH zone development standards are met. Any new or expanded parking areas must be paved.

*\*Existing detached outbuildings may be re-located on the site to contain them within the property lines, or to re-establish a larger on-site vehicle parking area, provided all applicable development standards are met.*

**Staff Planner: Mark Walhood**

**Decision rendered by:** MARK WALHOOD **on May 19, 2015.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: May 22, 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 March 16, 2015, and was determined to be complete on **April 15, 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 March 16, 2015.

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 August 12, 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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 5<sup>th</sup>, 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 Hearings Officer 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 Hearings Officer 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 **June 8<sup>th</sup>, 2015 – (the next 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; *OR*
- *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.

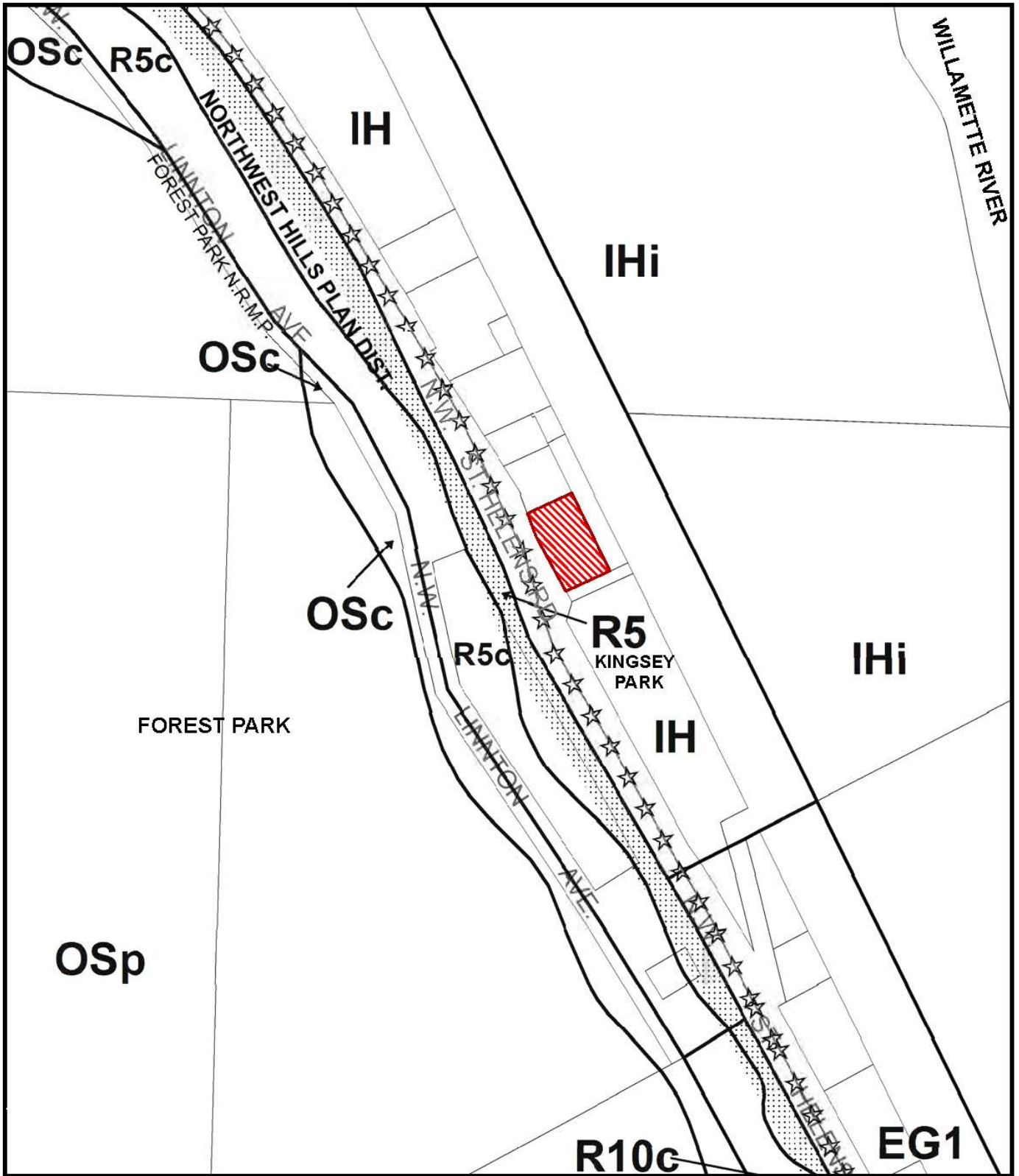
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
  - 1. Site photos as submitted by applicant
  - 2. Narrative submitted by applicant
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Basement Floor Plan
  - 3. South House Elevation (attached)
  - 4. North House Elevation
  - 5. East House Elevation
  - 6. Building #1 and #2 Elevations (attached)
  - 7. Building #3 and #4/5 Elevations
  - 8. Building #6, #7 and #8 Elevations (attached)
  - 9. Large/ scalable site plan
  - 10. Large/scalable basement floor plan
  - 11. Large/scalable south house elevation
  - 12. Large/scalable north house elevation
  - 13. Large/scalable east house elevation
  - 14. Large/scalable building #1-2 elevations
  - 15. Large/scalable building #3-4/5 elevations
  - 16. Large/scalable building #6-8 elevations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Life Safety Section of the Bureau of Development Services
  - 3. Site Development Section of the Bureau of Development Services
  - 4. Development Review Section of Portland Transportation
- F. Correspondence:
  - 1. E-mail with concerns from Sherry Coat, rec'd. 5/7/15
  - 2. name, date of letter, content summary
- G. Other:
  - 1. Original LU Application Form and receipt
  - 2. Aerial photos of site from 1998 and 2000, showing former expanded on-site parking area which was reduced in size with construction of outbuildings along the south edge of the 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

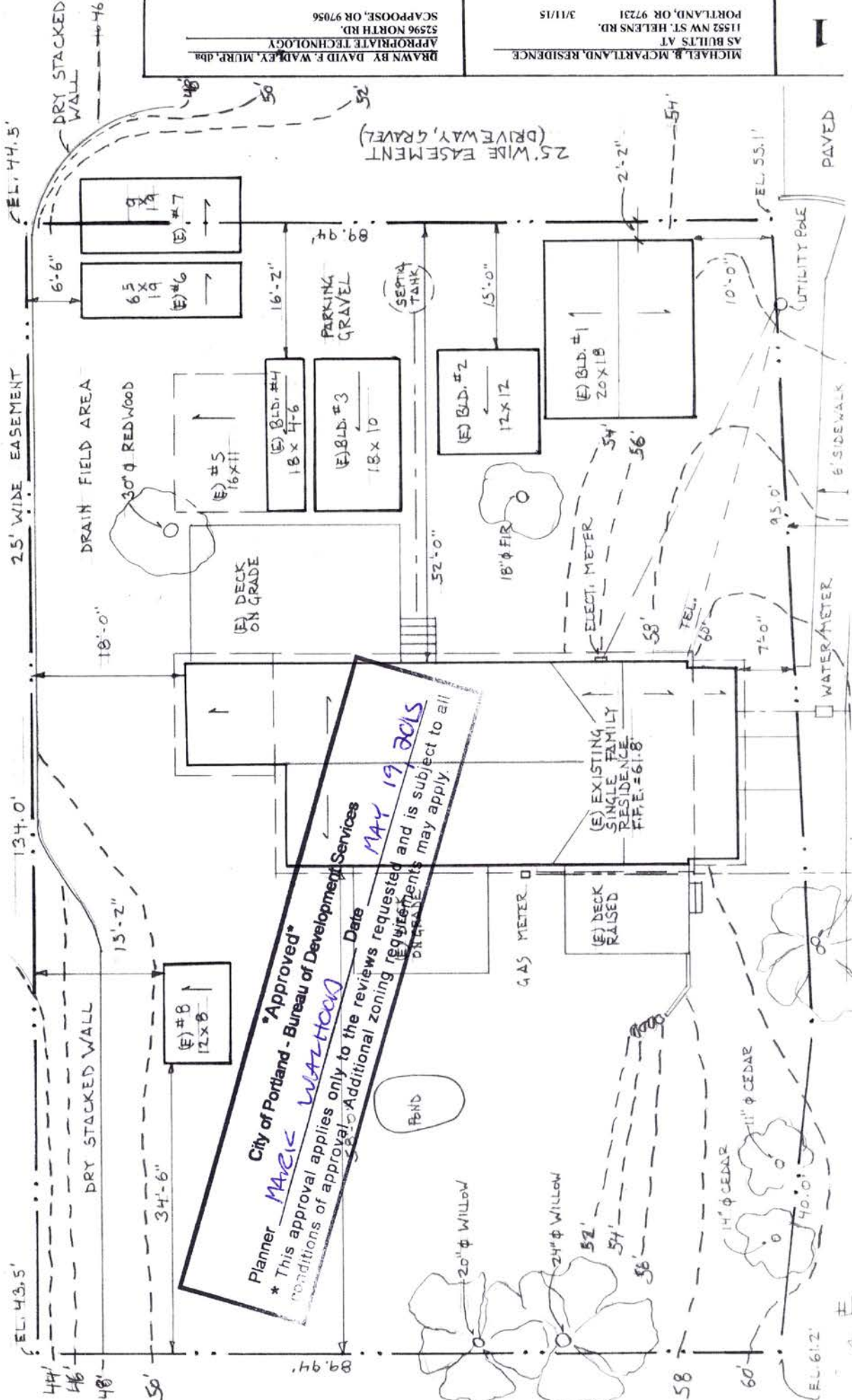


Recreational Trail



File No. LU 15-134149 NU  
 1/4 Section 1918  
 Scale 1 inch = 200 feet  
 State\_Id 1N1W03AB 500  
 Exhibit B (Mar 18, 2015)

NORTH



Planner **MARIE WALZHEAD**

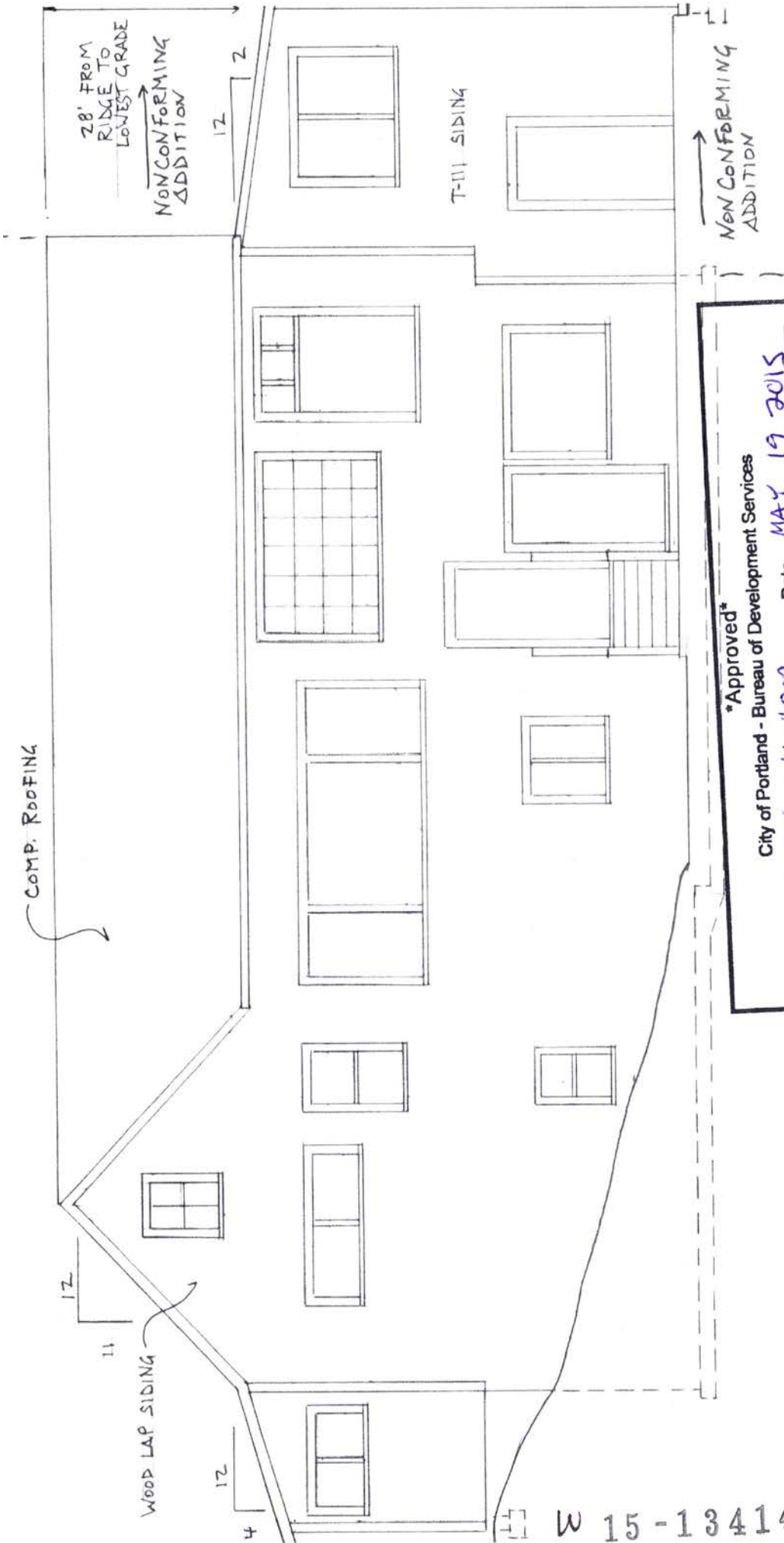
**"Approved"**  
 City of Portland - Bureau of Development Services

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

Date **MAY 19 2015**

DRAWN BY DAVID E. WADLEY, MURP, dba  
 APPROPRIATE TECHNOLOGY  
 52596 NORTH RD.  
 SCAPPOOSE, OR 97056

AS BUILT AT  
 MICHAEL B. MCPARTLAND, RESIDENCE  
 11552 NW ST. HELENS RD.  
 PORTLAND, OR 97231  
 3/11/15



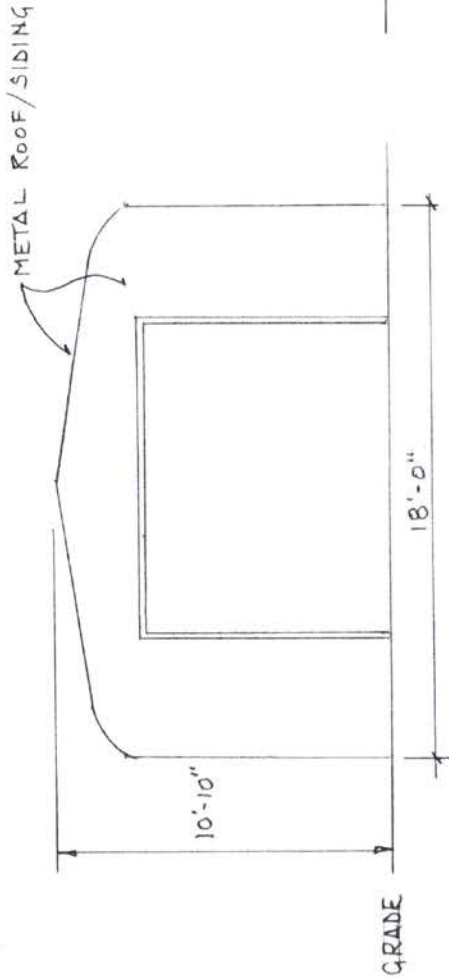
\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner MARK WATROOP Date MAY 19 2015  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

(E) EXISTING, SOUTH ELEVATION  
 SCALE 3/4" = 1'-0"

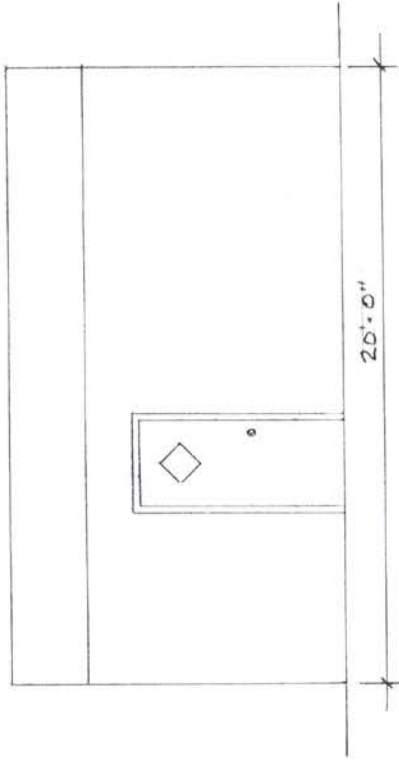
W 15 - 134149NO

3
DRAWN BY DAVID F. WADLEY, MURP, dba APPROPRIATE TECHNOLOGY 52506 NORTH RD. SCAPPOOSE, OR 97056
MICHAEL B. MCPARTLAND, RESIDENCE AS BUILT'S AT 11552 NW ST. HELENS RD. PORTLAND, OR 97231
3/11/15

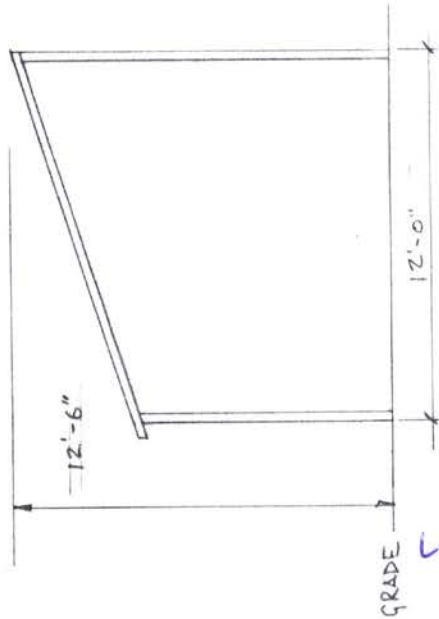
Exhibit C-3



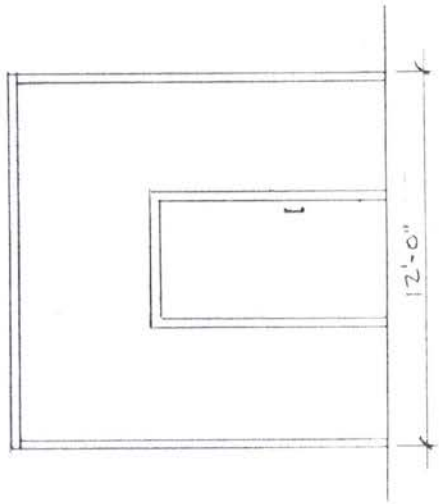
(E) BLDG. #1 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



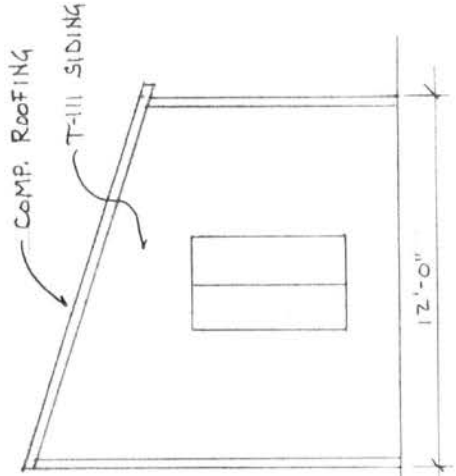
(E) BLDG. #1 EAST ELEVATION  
SCALE 1/4" = 1'-0"



(E) BLDG. #2 WEST ELEVATION  
SCALE 1/4" = 1'-0"



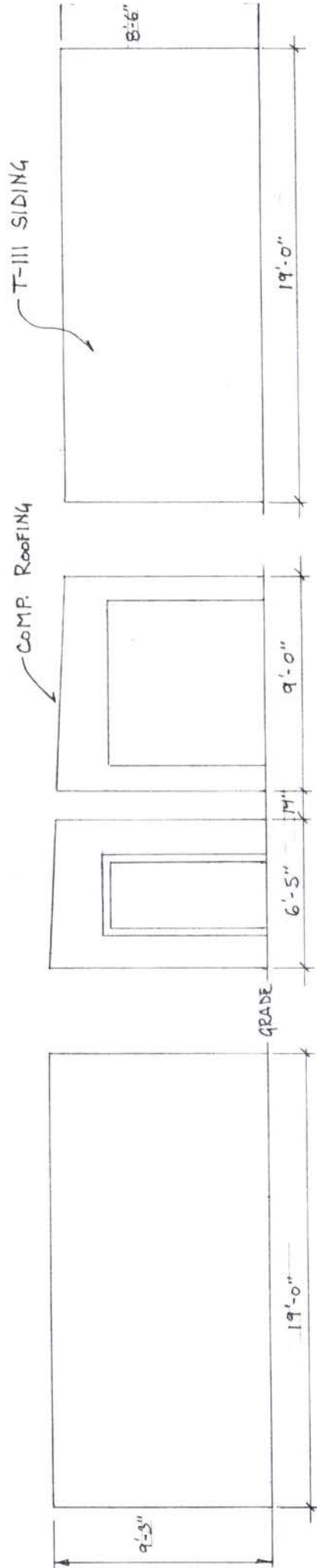
(E) BLDG. #2 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



(E) BLDG. #2 EAST ELEVATION  
SCALE 1/4" = 1'-0"

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner MARK WATWOOD Date MAY 19, 2015  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

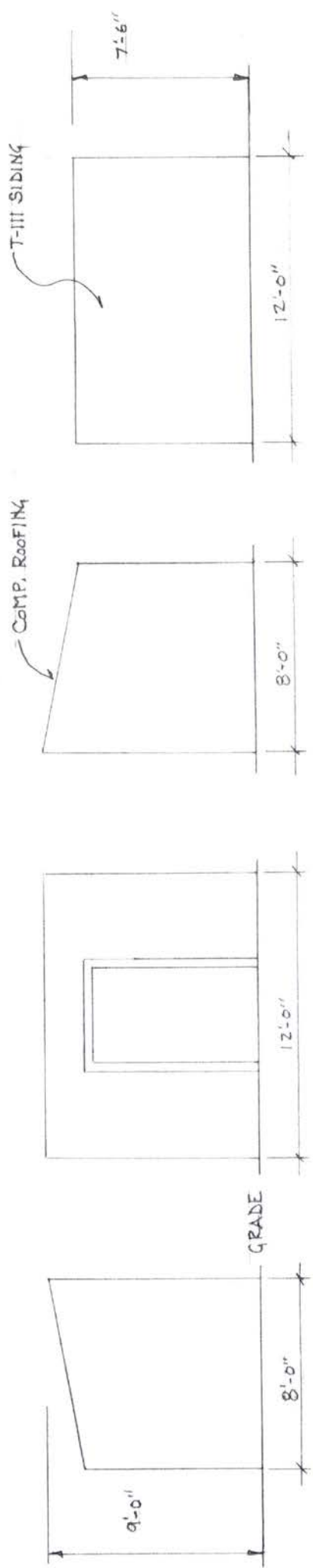
Exhibit C6  
LU 15-134149 NU



(E) BLDG. #6 NORTH ELEVATION  
SCALE 1/4" = 1'-0"

(E) BLDG. #6/7 WEST ELEVATION  
SCALE 1/4" = 1'-0"

(E) BLDG. #7 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



(E) BLDG. #8 NORTH EL.  
SCALE 1/4" = 1'-0"

(E) BLDG. #8 WEST ELEVATION  
SCALE 1/4" = 1'-0"

(E) BLDG. #8 SOUTH EL.  
SCALE 1/4" = 1'-0"

(E) BLDG. #8 EAST ELEVATION  
SCALE 1/4" = 1'-0"

DRAWN BY DAVID F. WADLEY, MURP, dba APPROPRIATE TECHNOLOGY 52596 NORTH RD. SCAPOOSE, OR 97056	MICHAEL B. MCPARTLAND, RESIDENCE AS BUILT AT 11552 NW ST. HELENS RD. PORTLAND, OR 97231 3/11/15
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\*Approved\*

City of Portland - Bureau of Development Services

Planner MARK WALTROD Date MAY 19 2015

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

Exhibit C.8  
W 15-134149 NU