



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

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Date: March 17, 2017
To: Interested Person
From: David Besley, 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 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 17-104129 CU

GENERAL INFORMATION

Applicant: Michael Yamartino
3616 NE Rodney Ave
Portland, OR 97212

Site Address: 3616 NE RODNEY AVE

Legal Description: LOT 1, PARTITION PLAT 2014-60
Tax Account No.: R649652370
State ID No.: 1N1E22DD 17401
Quarter Section: 2630

Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Zoning: R2.5a – Single-Dwelling Residential 2,500 with Alternative Design Density (“a”) overlay zone
Case Type: CU – Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant owns two attached houses, each on its own lot: 3616 NE Rodney Ave. and 3620 NE Rodney Ave. The applicant resides at 3616 NE Rodney Ave. and requests Conditional Use approval to operate a Type B Accessory Short-Term Rental (ASTR) facility at this address. The attached house would have three ASTR guest rooms that would be rented out. No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial events are proposed. Proposed house rules would require quiet hours between 9pm and 9am.

Type B Accessory Short-Term Rentals are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for efficient use of houses in residential areas if the neighborhood character is maintained. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are in Zoning Code Section 33.815.105: Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone.

ANALYSIS

Site and Vicinity: The Type B Accessory Short-Term Rentals will take place on a 2,500-square-foot lot which is developed with an attached single-dwelling house (3616 NE Rodney Avenue). The applicant also owns the attached single-dwelling house on the abutting lot (3620 NE Rodney Avenue).

The site is located on the east side of NE Rodney Ave., between NE Beech St. and NE Fremont St. Neighboring properties on NE Rodney Ave. are developed with a mix of one-story and two-story single-dwelling houses. The site is located between two mixed-use commercial corridors: along N Williams Avenue, two blocks west of the site, and along NE Martin Luther King, Jr. Blvd, three blocks east of the site. Emanuel Hospital is about 1/3 mile southwest of the site.

Zoning: The R2.5 zoning designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. Type B Accessory Short-Term Rentals are allowed in the R2.5 zone when the proposal meets the approval criteria and applicable standards.

The site is also within the boundaries of the Alternative Design Density ("a") overlay zone, though the "a" overlay regulations are not applicable to this review. The purpose of the "a" overlay zone is to focus development on vacant sites, preserve existing housing, and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods.

Land Use History: City records indicate one prior land use review for this site. In 2014, a land division (file # LU 13-234530 LDP) was approved to create two abutting lots for attached houses (3616 NE Rodney Ave. and 3620 NE Rodney Ave.)

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed February 9, 2017. The following Bureaus have responded as follows:

- The Portland Bureau of Transportation responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included below under "Zoning Code Approval Criteria." (Exhibit E-1)
- The Police Bureau responded that the Bureau is capable of serving the proposed use. The comments include advisory recommendations to ensure the address marker is visible and to maintain landscaping to maximize visibility for emergency response. (Exhibit E-2)
- The Bureau of Environmental Services stated that "BES has no issues related to the adequacy of public services approval criteria for stormwater and sanitary service." (Exhibit E-3)

The following Bureaus have responded with no concerns (Exhibit E-4):

- The Water Bureau;
- The Fire Bureau;

- The Site Development Review Section of the Bureau of Development Services; and
- The Life Safety Review Section of the Bureau of Development Services

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration
- B.** includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: For purposes of this criterion, the “residential area” is considered to be roughly bounded by NE Shaver St. to the north, NE Cook St. to the south, N Williams Ave. to the west, and NE Martin Luther King, Jr. Blvd. to the east (Exhibit A-1, page 3). Within this residentially-zoned area are a number of uses not in the Household Living category, including three churches, a school, and a residential care facility. Within this area there are currently three homes with permits for Type A ASTR (with one or two bedrooms for rent), including the subject property, and a Type B ASTR on the adjacent property to the north, also owned by the applicant, which was approved in 2016. This adjacent Type B ASTR conditioned that three or fewer bedrooms used for short-term rental must be rented together as one unit to a single group or family, with a maximum group size of six people, rather than rented separately. The existing non-Household Living uses and ASTR sites are on 12 of the 257 lots within the residential area, thereby occupying only 5% of the lots in the area. Therefore, the function of the identified area will remain residential.

Additionally, as there are no alterations proposed to the attached house on this site, and the house will retain the appearance of a long-term residence for a household, staff finds the Type B Accessory Short-Term Rental facility will not noticeably impact the function or appearance of the residential area. The number of occupants of the Accessory Short-Term Rental facility will be equivalent to the number of people who could reside in the house on a long-term basis, given the size of the house and the

number of existing bedrooms. A condition of approval will limit the maximum number of guests per stay to six people.

For these reasons, and with a condition of approval limiting the number of guests, staff finds this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s.” There are no City-designated scenic resources on the site or in the surrounding neighborhood. Therefore, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or

Findings: While the attached house’s design is more modern than most houses nearby, the site’s lot size, building setbacks, and landscaping are comparable to other properties in the surrounding neighborhood and in the R2.5 zone generally. In any event, the proposed Accessory Short-Term Rental facility will operate inside the existing house, and no physical changes to the house or to the landscaping on the site are proposed with this application. This criterion is met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: The applicant is not proposing any physical changes to the house or lot to accommodate the Accessory Short-Term Rental facility. Therefore, the proposed Conditional Use will not create any differences in appearance or scale between the subject property and neighboring properties that require mitigation. This criterion is not applicable.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: No commercial meetings or events are proposed, and the proposed “house rules” (Exhibit A-2) will require quiet hours between 9pm and 9am. Since use of the rooftop deck has the potential for significant noise and late-night impacts to neighbors, a condition of approval will require that guests do not access the rooftop deck during the 9pm to 9am quiet hours, and that any visitors of the short-term rental guests (*i.e.* visitors not staying on the property) do not access the rooftop deck at any time. By preventing late-night and early-morning use of the rooftop deck by short-term rental guests, and by preventing short-term rental guests from holding parties or other gatherings on the rooftop deck, this condition of approval will limit negative impacts attributable to the Accessory Short-Term Rental facility. Another condition of approval will require the applicant to provide contact information to abutting neighbors and to neighbors across the street, so that any nuisance issues that may arise can be dealt with quickly. With these conditions of approval, no significant adverse impacts related to noise or late-night operations are anticipated.

The applicant is limited to renting the three ASTR guest rooms when they are out of town for a maximum of 95 days per year (per Section 33.207.050.A.1). During this time, the applicant will be on-call for any emergencies that arise. If the applicant chooses to rent out rooms while they are residing there, it will be convenient for

them to enforce house rules in person and immediately respond to any issues that arise.

No physical changes such as new exterior lighting are proposed, and the proposed “house rules” (Exhibit A-2) include instructions for guests’ garbage that will help prevent litter. No aspect of the Accessory Short-Term Rental operation is likely to produce odors that are different from a standard residential use, or that would adversely impact neighbors.

With conditions of approval that quiet hours between 9pm and 9am are continually implemented and enforced, that use of the rooftop deck is limited as discussed above, and that contact information is provided to neighbors, staff finds this criterion is met.

2. Privacy and safety issues.

Findings: The back yard of the subject property is enclosed by a 6-foot-tall cedar fence, promoting privacy for abutting neighbors if short-term rental guests use the back yard. Since use of the rooftop deck has the potential for significant privacy impacts to neighbors, a condition of approval will require that guests do not access the rooftop deck during the 9pm to 9am quiet hours, and that any visitors of the short-term rental guests (*i.e.* visitors not staying on the property) do not access the rooftop deck at any time. By preventing late-night and early-morning use of the rooftop deck by short-term rental guests, and by preventing short-term rental guests from holding parties or other gatherings on the rooftop deck, this condition of approval will limit negative impacts attributable to the Accessory Short-Term Rental facility.

No adverse safety impacts are anticipated. The Fire Bureau has reviewed the proposal and responded with no concerns (Exhibit E-4). The Police Bureau has reviewed the proposal and found that police services are adequate to serve the proposed use (Exhibit E-2). The applicant states that each potential guest will be screened for security concerns before arrival (Exhibit A-1, page 2). To further ensure safety, a condition of approval will require the applicant to obtain an inspection verifying the building code, smoke detector, and carbon monoxide alarm requirements in Zoning Code Section 33.207.050.B.4 are met for each bedroom to be rented.

With conditions of approval that use of the rooftop deck is limited as discussed above, and that an inspection verifies the requirements of Zoning Code Section 33.207.050.B.4 are met, staff finds this criterion is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The Portland Bureau of Transportation (PBOT) reviewed the application and stated, “NE Rodney is classified as a Local Service Street for all transportation modes. The proposed Accessory Short-Term Rental (ASTR) is supportive of this designation and the development of the site with an ASTR will not impact the distribution of local traffic throughout the area” (Exhibit E-1). This criterion is met.

2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The Portland Bureau of Transportation (PBOT) submitted the following response (Exhibit E-1):

Street Capacity/Level of Service/Performance Measures

To estimate the vehicle trips generated by the proposed ASTR, information from the *Trip Generation Manual, 9th Edition*, published by the Institute of Transportation Engineers (ITE) was utilized. Data for land use #320, *Motel*, were used to calculate trip rates for the proposed facility. ITE does not have specific data for an ASTR and the Motel use is the closest land use category for which data is available.

The proposed 3-room ASTR is estimated to generate .45 trips in the AM peak hour and .47 trips in the PM peak and a total of 5.63 trips per room daily. This represents a slight increase in trips over a single-family dwelling which generates 1 trip during both the morning and evening peak hours and 10 trips total each weekday. However, it should be noted that, given the nature of the proposed development and the hours of operation, trips associated with the proposed ASTR will likely not occur during the AM/PM peak hours.

To address the street capacity and level of service evaluation factors, the applicant's traffic engineer conducted observational analysis of the intersection of NE Fremont at NE Rodney and NE Beech at NE Rodney. Based upon these observations, the intersections meet the City of Portland's operational standards and are capable of supporting the existing uses in the area as well as the proposed use of the site.

The proposed use is not anticipated to have a significant impact upon morning or afternoon peak hour traffic or the operation on area intersections given the minimal number of trips that the use is expected to generate. Additionally, any services for the ASTR, such as landscaping, regular maintenance, or cleaning will be consistent with a typical single-family home.

Access to Arterials/Connectivity

The subject site is located in a neighborhood with well-connected streets, providing multiple redundant routes to and from the site for motor vehicles as well as other modes. The block containing the subject property is located adjacent to NE Fremont Street and the property is less than three blocks away from NE Martin Luther King, Jr. Boulevard and from the N Williams Avenue/N Vancouver Avenue couplet. These streets provide connections to significant parts of Portland as well as other major facilities.

The subject site can be adequately accessed by motor vehicles as well as other modes. The connectivity and access to arterials is adequate to support the existing uses as well as the proposed conditional use of the property.

Transit Availability

The site is located near bus stops served by multiple bus lines including two Frequent Service lines. Stops for Line 44-Capitol Hwy/Mocks Crest, Line 24-Fremont, Line 6-Martin Luther King, Jr. Blvd, and Line 4-Division/Fessenden are accessible within 1000 feet of the property and provide service to other areas of Portland.

There are continuous sidewalks in place between the site and the nearby bus stops and a marked crosswalk across NE Fremont Street at NE Rodney Avenue. Signalized pedestrian crossings are also available along NE Fremont Street to cross N Williams Avenue, N Vancouver Avenue, and NE Martin Luther King, Jr. Boulevard. The subject property is adequately served by transit and safe access to the nearest stops is available.

On-Street Parking Impacts

The parking demand that will be generated as a result of the proposed development was estimated using parking demand rates from *Parking Generation, 4th Edition*, published by the Institute of Transportation Engineers (ITE). The data utilized to determine the parking demand for the proposed conditional use were for land use #320, *Motel* as it represents the closest use to the proposed ASTR for which data is available.

Based upon the data, the peak parking demand for a motel with three rooms is three parking spaces. It should be noted, however, that operation of a typical motel would likely result in rental of three rooms to three different parties, each of which would travel separately. *In this instance, since the rooms are rented together, it is likely that the typical parking demand will be one, or at most, two vehicles.* [BDS Staff Comment. This will be a required condition of approval.] The site currently can accommodate on-site parking for two vehicles, one space in the garage and one space within the area between the garage and the front property line. As proposed, one on-site parking space will be utilized by the applicant. Accordingly, one on-site space will be available for guests of the ASTR. Under a worst-case scenario wherein the proposed development generates a demand for three parking spaces, the use would generate a demand for two on-street parking spaces.

To determine the demand and availability of on-street parking in the vicinity of the site, the applicant's traffic engineer conducted observations during the overnight period corresponding to the expected peak period for residential parking demand in the site vicinity. The observations were conducted at 12:00 AM on Wednesday, September 21st, 2016. The study area included the following street segments:

- NE Rodney – between Fremont & Beech and between Beech & Failing
- NE Fremont – between Cleveland & Rodney
- NE Beech – between Cleveland & Rodney and between Rodney & Mallory

Within the study area, the parking study estimated that there was an on-street parking capacity of 91 spaces. Under existing conditions, a total of 19 parking spaces would remain available if all vehicles (for both this site and the adjacent ASTR to the north) forgo the off-street parking spaces and park on the street. *Based on the observations and analysis, the available on-street parking in the site vicinity is adequate to safely support the proposed use in addition to the existing uses in the site vicinity.*

Access Restrictions

Vehicle access to the existing house will continue to be provided via a driveway/curb-cut on NE Rodney. PBOT has no access restriction concerns.

Neighborhood Impacts

The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented by the applicant's analysis, there is a sufficient supply of on-street parking to accommodate the use. Additionally, the minimal number of vehicle trips that will be added during the peak hours as a result of this use will not impact area intersections. Accordingly, transportation-related impacts as a result of the proposed ASTR will be negligible.

Impacts on Pedestrian, Bicycle, and Transit Circulation

As noted in the "safety for all modes" section below, existing conditions safely accommodate pedestrians and cyclists and there are transit facilities in close proximity to the site. The proposed development will not create any new barriers to these modes of travel.

Safety for All Modes

The applicant's traffic engineer analyzed ODOT crash data for the most recent available five years (2010-2014) for the intersections of NE Fremont Street at NE Rodney Avenue and NE Beech Street at NE Rodney Avenue. Two crashes were reported at the western intersection of NE Fremont Street at NE Rodney Avenue during the five-year analysis period. No crashes were found to be reported at NE Beech Street at NE Rodney Avenue during the analysis period. Based on observation of the intersections in the site vicinity as well as the reported crash data, no significant safety deficiencies were identified at any of the study area intersections.

For bicycles, NE Rodney Avenue is identified by the City of Portland in their Northeast Portland Bike/Walk Map as a Shared Roadway and as a Neighborhood Greenway. Pedestrian circulation is accommodated by a well-connected system of full improved sidewalks. No adverse impacts are anticipated as the result of the proposed development.

Adequate Transportation Demand Management Strategies

Transportation Demand Management (TDM) strategies are actions designed to change travel behavior in order to reduce the use of single-occupant vehicles to the site and, in turn, improve the performance of transportation facilities. The site is well-served by transit service and the applicant has indicated they will provide guests with transit/pedestrian/bicycle route maps, transit schedules, and information on the closest bike rental facilities. Additionally, the applicant will be renting this facility as a single tenancy rather than renting individual rooms which will contribute to reducing single-occupant vehicles to the site.

Based on PBOT's analysis, and with a condition of approval requiring the implementation of the Transportation Demand Management (TDM) strategies, this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Bureau of Environmental Services, the Water Bureau, and the Fire Bureau reviewed the proposal and responded with no concerns (Exhibits E-3 and E-4). The Portland Police Bureau reviewed the proposal and provided advisory recommendations regarding landscaping maintenance and the visibility of the street address marker, but had no objection to the proposal (Exhibit E-2). For these reasons, this criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is within the boundaries of the Boise Neighborhood Plan and the Albina Community Plan. However, staff finds that none of the policies in these plans are specifically relevant to Accessory Short-Term Rentals in an existing home. Therefore, 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

The applicant proposes to operate a Type B Accessory Short-Term Rental facility with three guest rooms. No exterior alterations to the house or property are proposed. No non-resident employees are proposed, and no commercial meetings will be held. With conditions of approval, the proposed Type B Accessory Short-Term Rental facility meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of a Type B Accessory Short-Term Rental facility within the existing single-dwelling, attached house on this site, with a maximum of three guest rooms available for rent at a time, subject to the following conditions:

- A. The three or fewer bedrooms used for short-term rental must be rented together as one unit to a single group or family, with a maximum group size of six people, rather than rented separately.
- B. Whenever short-term rental use occurs on the site, the applicant must implement and maintain the Transportation Demand Management strategies recommended in the transportation analysis (Exhibit A-3), including providing walking maps, transit information and schedules, bicycle maps, and information on local bicycle rental facilities (such as the BIKETOWN bike share service) at a central location within the house.
- C. Before the Type B Accessory Short-Term Rental can operate, the phone number and e-mail address of the ASTR operator must be provided to neighbors abutting and directly across the street from the site.
- D. Whenever short-term rental use occurs on the site, quiet hours between 9pm and 9am must be continually implemented and enforced. Accessory Short-Term Rental guests must not access the rooftop deck during these quiet hours, and any visitors of the short-term rental guests (*i.e.* visitors not staying on the property) may not access the rooftop deck at any time. The requirements of this condition shall be included in the “house rules” (Exhibit A-2), with a copy of the “house rules” provided to all groups prior to their arrival.
- E. Before the Type B Accessory Short-Term Rental can operate, a fee paid inspection must be purchased from BDS to confirm that the building code, smoke detector, and carbon monoxide alarm requirements of Zoning Code Section 33.207.050.B.4 are met.

Staff Planner: David Besley



Decision rendered by: _____ **on March 14, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 17, 2017

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 January 10, 2017, and was determined to be complete on February 2, 2017.

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 January 10, 2017.

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: June 2, 2017.**

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 March 31, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

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 **April 3, 2017 – (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.

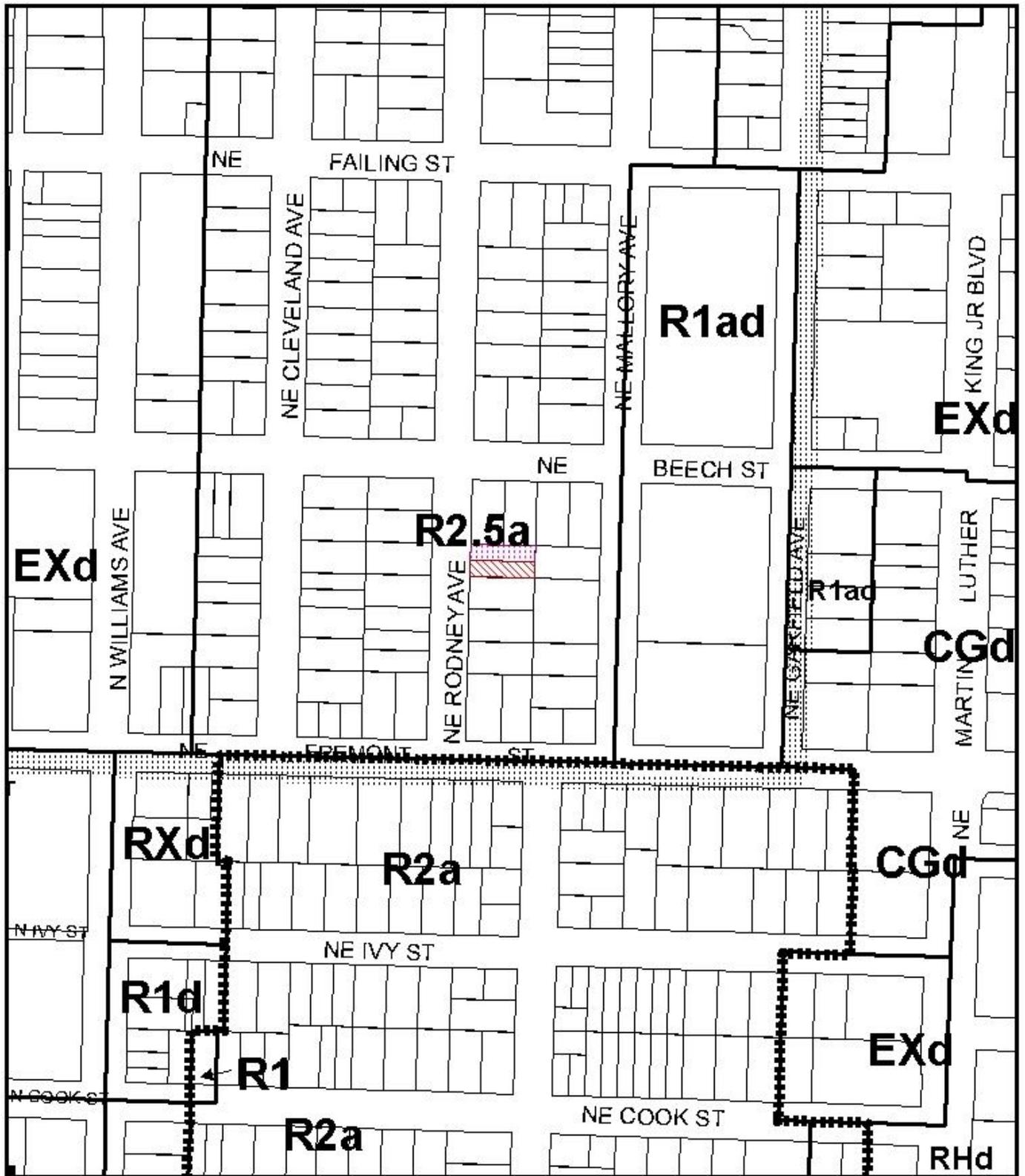
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Applicant's narrative
 2. Proposed house guide and house rules
 3. Transportation impact analysis
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice

- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Police Bureau
 - 3. Bureau of Environmental Services
 - 4. Bureaus responding with no concerns
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application and receipt
 - 2. Incompleteness determination letter, dated September 9, 2016

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

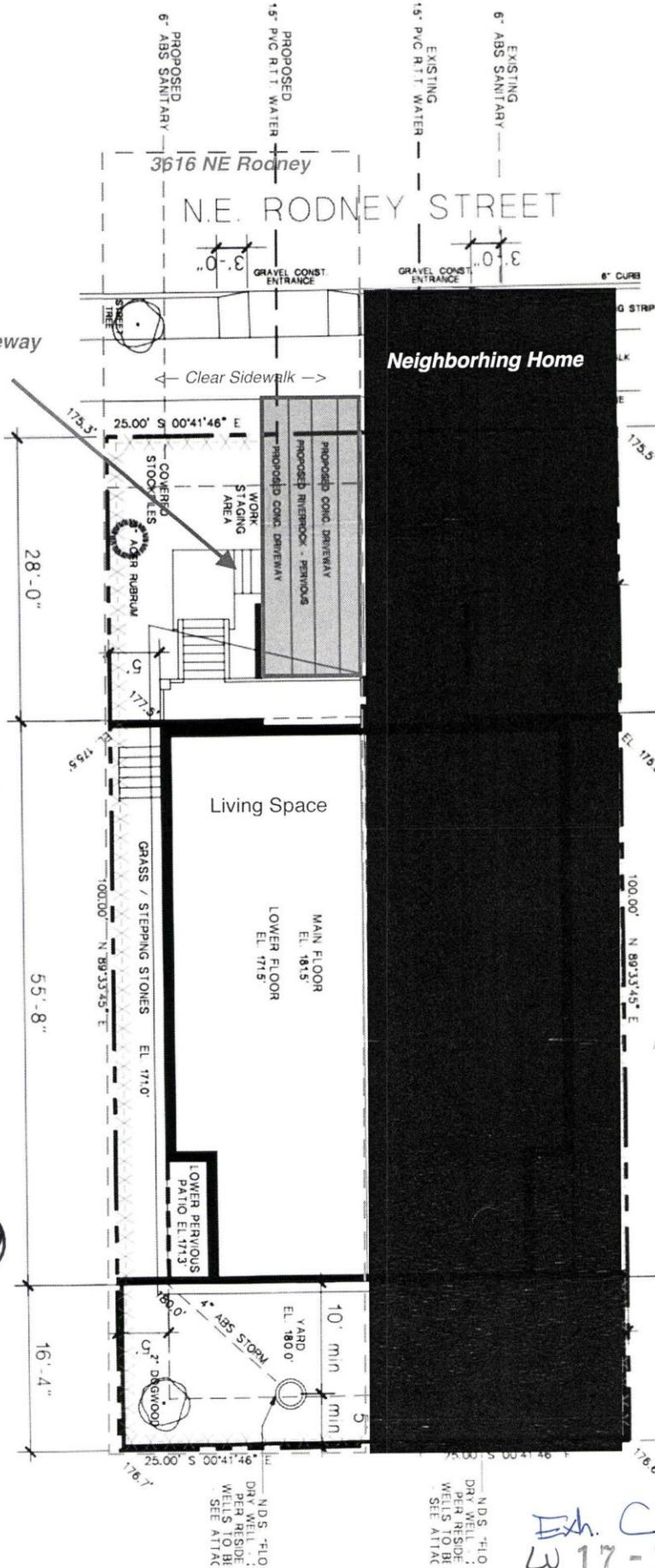
-  Site
-  Also Owned Parcels



File No.	<u>LU 17-104129 CU</u>
1/4 Section	<u>2630</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E22DD 17401</u>
Exhibit	<u>B (Jan 18, 2017)</u>

Exhibit E

Dedicated Driveway for Short Term Rental 28' x 10'



Neighboring Home

Approved
 City of Portland
 Bureau of Development Services
 Planner David Besley
 Date 3.14.17

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



N.D.S. FLO.
 DRY WELL
 PER PERVIOUS
 WELLS TO BE
 SEE ATTAC

Ed. C
 W 17-104129 CU