



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

Chloe Eudaly, Commissioner  
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**Date:** 9/29/2017  
**To:** Interested Person  
**From:** Tanya Paglia, Land Use Services  
503-823-4989 / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@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 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 17-196848 HR – SOLAR PANELS ON THE GARAGE OF HISTORIC BLAINE SMITH HOUSE**

#### **GENERAL INFORMATION**

**Applicant:** Keith Daily | Emerick Architects  
321 SW 4th Ave, Ste 200  
Portland, OR 97204  
503-235-9400 | [Keith@Emerick-Architects.Com](mailto:Keith@Emerick-Architects.Com)

**Owners:** Rebecca S Haas and Dean E Aldrich  
5219 SE Belmont St  
Portland, OR 97215

**Site Address:** 5219 SE BELMONT ST

**Legal Description:** BLOCK 4 S 30' OF LOT 2 LOT 3-6 S 30' OF LOT 7, MT TABOR  
**Tax Account No.:** R588000470  
**State ID No.:** 1S2E06AB 11200  
**Quarter Section:** 3136

**Neighborhood:** Mt. Tabor, contact Stephanie Stewart at 503-230-9364.  
**Business District:** Belmont Business Association, contact Constance Ihrke at 503-267-3721.  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** None  
**Other Designations:** Historic Landmark – House constructed in 1909 and listed on the National Register in 1991 for its significant Arts and Crafts style architecture.

**Zoning:** R2 – Residential 2000 with Historic Resource Protection Overlay  
**Case Type:** HR – Historic Resource Review

**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**PROPOSAL:**

The applicant is seeking Historic Resource Review approval for a proposal to install solar panels on the pitched roof of the detached garage of the historic Blaine Smith house. The single-story, red brick garage is located at the rear of the property, in the northeast corner of the site, in proximity to SE 53<sup>rd</sup> Ave. The solar panel array system will be limited to the west gable of the garage roof which faces away from the street into the interior lot. The panels will cover 293 SF of the garage roof with a slim profile lying close to the roof, standing off the roof by 8”, and follow the slope of the existing roof to maintain the massing and scale of the existing structure. The edge of the panels will be 4” away from the edge of the roof on the north side, and 8” away from the edge of roof on the west side. The metal on the panels will be black anodized aluminum.

Historic Resource Review is required because the subject property is a Portland Historic Landmark pursuant to its listing in the National Register of Historic Places on June 19, 1991.

**RELEVANT APPROVAL CRITERIA:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- 33.846.060.G – Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The historic Blaine Smith house was designed in 1909 by the firm of McNaughton, Raymond, and Lawrence. It was listed on the National Register of Historic Places in 1991 as an “outstanding and well-persevered work” by the well-known architect Ellis Lawrence. It is also a significant example of Arts and Crafts style architecture in Oregon. The house sits in the Mt Tabor area of Portland on an ample corner lot surrounded by low walls and hedges. The neighborhood around consists mostly of large homes. Another National Register-listed property, the Historic William Brainard house, sits around the corner from the site on Morrison Street.

The subject site occupies a 27,468 sf portion of the block bounded by SE Belmont St, SE 52<sup>nd</sup> Ave, SE Morrison St, and SE 51st Ave. The primary house fronts onto SE Belmont St, although sits back from the street lot line. The subject garage sits closest to SE 53<sup>rd</sup> Ave, and is set back from the street and faces south, rather than east which would be towards the road. There is a brick wall running along the property line.

Although the garage is original to the property and is considered a contributing building on the site, the garage roof was modified from flat to a low-pitched gable roof at a later point in time, so the roof is not historically significant.

**Zoning:** The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the

region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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

- LU 97-014427 CU (Ref: LUR 97-00381) – approval of a bed and breakfast facility with certain conditions.
- LU 16-109343 HR – approval for rear façade alterations.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **July 18, 2017**. The following two Bureaus, Divisions and/or Sections responded with no objections and one of these included comments is found in Exhibit E1:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- Fire Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 18, 2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Peter M Geiger, 5136 SE Morrison St, wrote on July 21, 2017, in support of the proposal.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.846.060 - Historic Resource Review

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all of the approval criteria and addressed only those applicable to this proposal.*

### 33.846.060 G - Other Approval Criteria

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings for G1, G2, G3, G4, G5, G7, and G9:** The proposed solar array will not detract from the historic character of the landmark property, and no original historic features are being altered. The visual impact of the solar panels will be negligible and no conjectural features or architectural elements from other buildings that create a false sense of historical development are to be added. The single-story, detached garage is located at the rear of the Blaine Smith house property and the proposed solar panel array faces west towards the interior of the property limiting its visibility from the street and adjacent properties. The slim profile of the panels also contributes to limiting their visibility.

The historic property shall remain a physical record of its time, place and use and the project will not alter any changes made over time that have acquired historic significance. Although the garage is original to the property, it was modified from a flat roof to the current, low-pitched gable roof at a later point in time. Therefore, the garage roof itself does not contribute to the historic significance of the property. Proposed alterations will not take away from the historical significance of the resource, while allowing the property to become more energy independent, sustainable, and resilient.

The new solar panels will be differentiated from the existing building elements as they are clearly not original to the house. The integrity of the structure and resource will be preserved with the proposed alterations. If the solar panels were to be removed in the future, the form and integrity of the building would remain intact.

The project does not involve any demolition, so all elements of historic character and significance shall be preserved, and all historic materials of the property will be fully protected as part of this project. There will not be any chemical or physical treatments involved in the implementation of this project.

*These criteria are met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and

finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for G8 and G10:** The main house is the primary historic element of the property and the garage is considered a contributing outbuilding. The design and layout for the proposed solar panels is compatible with the existing garage as well as the rest of the property. The new panels are not at a scale or design that would adversely impact the character defining features of the property. They will follow the existing slope of the garage roof, and their minimal profile will allow them to fit harmoniously with the scale of the existing building. The new panels are designed and located so as not to call attention to themselves. The proposed location will limit visibility from the street and adjacent properties, thus maintaining compatibility with the surrounding area. In addition, the property is not located within a Historic or Conservation District.

*These criteria are 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.

## **CONCLUSIONS**

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed alterations will be compatible with the massing, size, scale and architectural features of the garage. The proposed location will limit visibility from the street and adjacent properties. The single-story, detached garage is located at the rear of the property and the proposed solar panel array faces west towards the interior of the property limiting its visibility from the street and adjacent properties. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval to install solar panels on the pitched roof of the detached garage of the historic Blaine Smith house, per the approved site plans, Exhibits C-1 through C-2, signed and dated 9/22/2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 17-196848 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 9/22/2017.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 9/29/2017**

**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 June 30, 2017, and was determined to be complete on July 14, 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 June 30, 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 requested that the 120-day review period be extended 27 days. Unless further extended by the applicant, **the 120 days will expire on: December 8, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 13, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](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 Landmarks Commission 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 Landmarks Commission 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 13, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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**

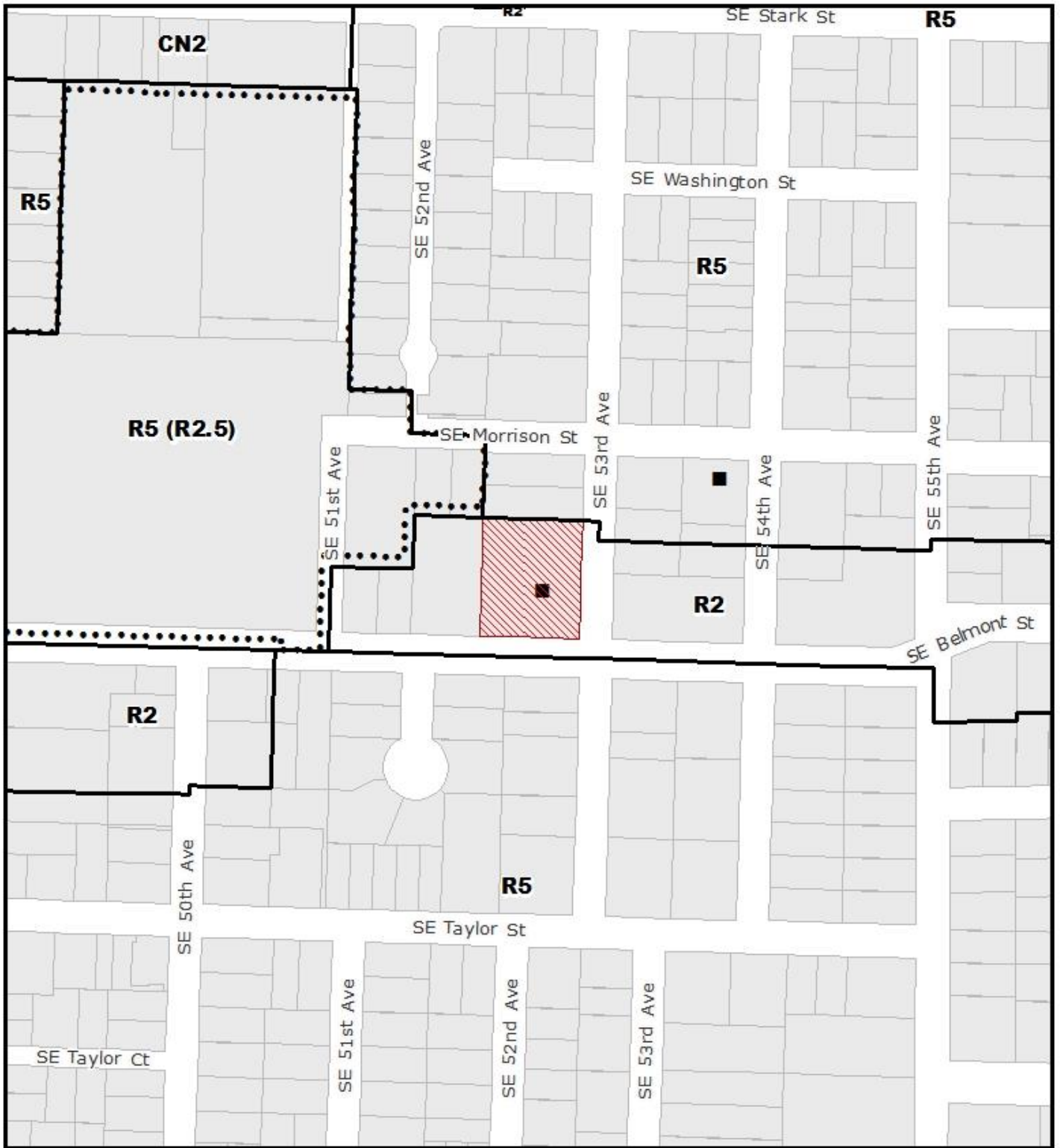
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Applicant's Project Overview, Response to Approval Criteria
  - 2. Photos with sight lines demarcated
  - 3. Request for Extension of 120-Day Review Period for 27 days dated September 27, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Garage Roof Plan and Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Division of the Bureau of Development Services
- F. Correspondence:
  - 1. Peter M Geiger, 5136 SE Morrison St, wrote on July 21, 2017, in support of the proposal.
- G. Other:
  - 1. Original LU Application
  - 2. Oregon Historic Site Record
  - 3. Historic Resource Inventory, City of Portland Record
  - 4. Zoning Plan Examination Checksheet

**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).**



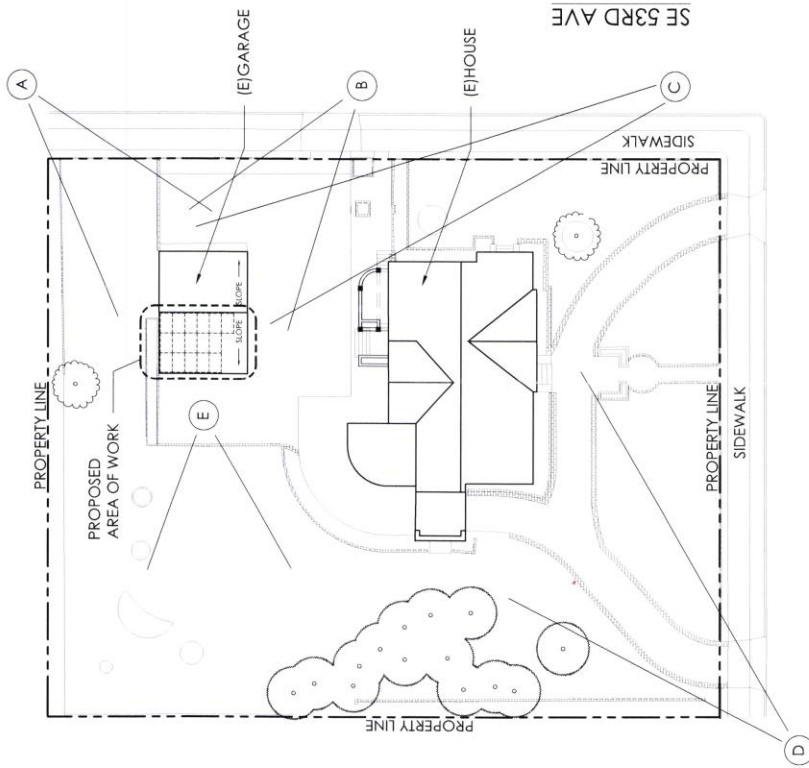




**ZONING**   
NORTH

 Site  
 Historic Landmark

File No.	LU 17-196848 HR
1/4 Section	3136
Scale	1 inch = 200 feet
State ID	1S2E06AB 11200
Exhibit	B Jul 03, 2017



SE BELMONT ST.

1 SITE PLAN  
SCALE: 1/32" = 1'-0"

SEE FOLLOWING SHEET LUR-2B  
FOR SIGHT LINE PHOTOS

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date *9/28/2017*

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

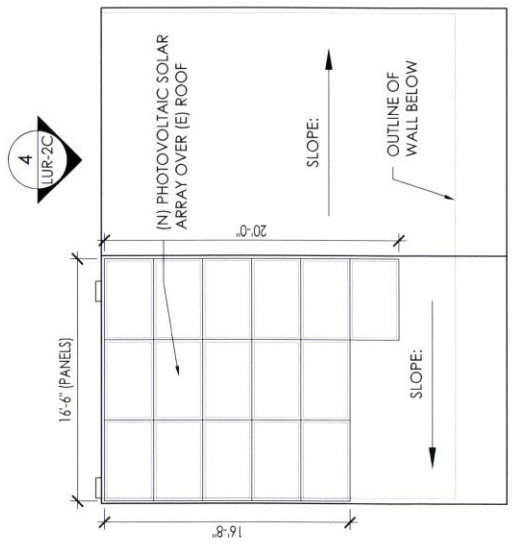
LUR-2  
5219 SE BELMONT STREET  
PORTLAND, OR 97215  
NOT FOR CONSTRUCTION

EMERICK ARCHITECTS

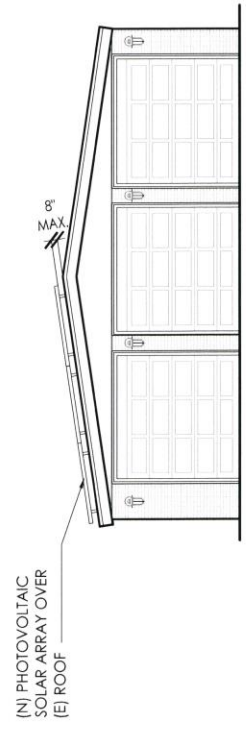
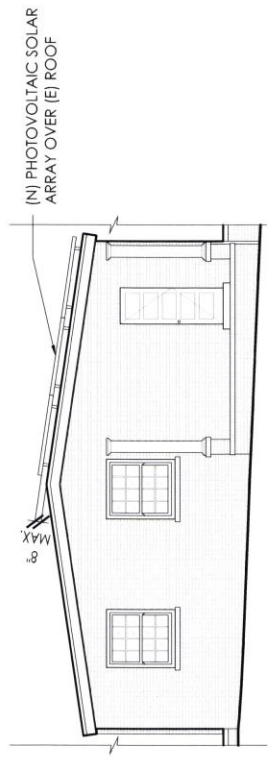
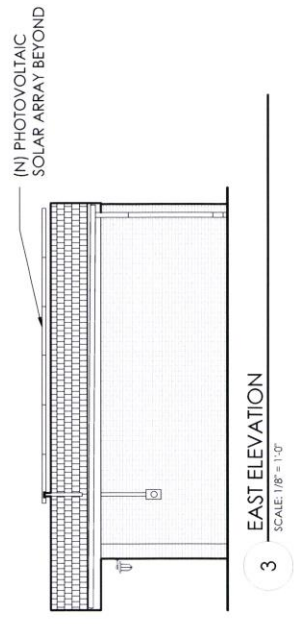
HAAS ALDRICH  
JOB #: 1434

LUR-2A  
DATE: 06-28-17

LW 17 - 19684842 C-1



NOTE: NEW PHOTOVOLTAIC SOLAR ARRAY IS EXTENT OF NEW WORK. ALL OTHER ELEMENTS SHOWN ARE EXISTING. NO DEMOLITION WORK PROPOSED AS PART OF THIS PROJECT.



(N) PANELS LOCATED ON WEST SLOPE OF ROOF TO MINIMIZE VISIBILITY FROM STREET & ADJACENT PROPERTIES

3 EAST ELEVATION  
SCALE: 1/8" = 1'-0"

4 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

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

HAAS ALDRICH  
JOB #: 1434

EMERICK ARCHITECTS

LUR-2  
5219 SE BELMONT STREET  
PORTLAND, OR 97215  
NOT FOR CONSTRUCTION

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date 9/22/2017  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

LUR-2C

DATE: 06-28-17

LU-17-1968 48 HR  
C-2