



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 17, 2017  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771 / [Don.Kienholz@portlandoregon.gov](mailto:Don.Kienholz@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 17-120757 AD**

#### **GENERAL INFORMATION**

**Applicant:** Jason Overstreet | Faster Permits  
2000 SW 1st Avenue Suite 420 | Portland, OR 97201

**Owner:** Bistline Enterprises Limited  
24474 Hayfield Rd | Beavercreek, OR 97004

**Site Address:** None. Immediately south of 220 SE 151<sup>st</sup> Ave.

**Legal Description:** LOTS 1 AND 2 INC UND INT TRACTS A&B  
**Tax Account No.:** R194450050, R194450100  
**State ID No.:** 1N2E36CD 01501, 1N2E36CD 01502  
**Quarter Section:** 3045  
**Neighborhood:** Glenfair, contact Graham Wright at 503-887-7028.  
**Business District:** Gateway Area Business Association, contact Paul Wild at [paul.wild@mhcc.edu](mailto:paul.wild@mhcc.edu)

**District Coalition:** East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

**Plan District:** East Corridor  
**Zoning:** R5ah – Residential 5,000 with Alternative Design Density ('a') and Airport Landing Zone ('h') overlays.

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

#### **Proposal:**

The applicant is requesting to construct two attached homes on two vacant lots in the R5 zone. An attached house is a dwelling unit located on its own lot that shares one or more common walls with another dwelling unit on its own lot. In this case, the design of the attached homes has the garage of each house sharing a common wall along the common lot line. Lot 1 is a corner lot because it has street frontage on more than one intersecting street where the frontages intersect. The common lot line of the two subject sites is considered the rear property line for Lot 1 and a side property line for Lot 2. Both garages for the attached homes take access off of SE Pine Court, a private street, rather than SE 151<sup>st</sup> Ave, a public street. For Lot 1, the access is on the side property line and for Lot 2 the access is on the front property line.

Setbacks in the single dwelling zones are regulated by Portland Zoning Code section 33.110.220 and Table 110-3. In the R5 zone district, the minimum garage entrance setback to

a street property line is 18-feet. The garage entrance on Lot 1 is proposed to be 6-feet 8.5-inches from the street property line. The garage entrance on Lot 2 is proposed to be 11-feet 1.5-inches from the street property line. Because both garage entrances are less than 18-feet from the street property line, an Adjustment is necessary.

Parking and loading spaces and areas for houses and duplexes are regulated under Portland Zoning Code section 33.266.120. The zoning code limits the amount of vehicle area located in the front yard between a building line and the property line to 40% and on corner lots limits the vehicle area between a side street lot line and the side street building line to 20%. Lot 2 is "L" shaped rather than square or rectangular. The front property line makes up the "L" portion of the lot. Because of this unusual configuration, the front lot line is the shortest lot line for the property at 25.5-feet long. The house on Lot 2 is proposed to have a double-car garage with a 16-foot wide driveway, which comprises 62.7% of the area between the front property line and building line. Because the vehicle area comprises more than 40% of front yard between the house and property line, an Adjustment is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

## ANALYSIS

**Site and Vicinity:** The two subject properties are vacant and were created from a 5-lot subdivision in 2005, city case file # LU 05-141455. The properties are zoned R5 and located off SE 151<sup>st</sup> Ave in East Portland. Lot 1 contains a large tree that was required to be preserved as a condition of approval for the land division and will be preserved as part of the current proposal. Both properties are located along the northern edge of the approved subdivision and adjacent to the existing sidewalk along the private street known as SE Pine Court that was created from the land division. Both properties are proposed to take access from SE Pine Court. The area has a wide range of zoning districts that ranges from high density multi-dwelling (RH) to the northwest, low density multi-dwelling to the north (R2) and south (R1) and low-density single-dwelling to the east (R7). Lots and parcels in the area also have a large range in size from 2,200 square feet immediately adjacent to the sites, to over 10,000 square feet in the R7 zone and up to over 100,000 square feet in the high density residential zones nearby. East Burnside and the Max light rail line are approximately 600-feet to the north, and SE Stark Street and its commercial and multi-dwelling residential zones are approximately 500-feet to the south.

**Zoning:** The Residential 5,000 zone (R5), is a Single-Dwelling zone intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50-feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The purpose of the Alternative Design Density Overlay Zone ('a') 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. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements. The provisions of the 'a' overlay are not proposed to be used for the current development proposal.

The purpose of the Aircraft Landing Overlay Zone is to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment. The height limits for structures do not apply in single dwelling zones.

Use regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and enhances the pedestrian environment along the transit corridor and near the light rail stations by encouraging uses that support transit patrons and pedestrians.

**Land Use History:** City records indicate that one land use review is associated with the subject lots:

LU 05-141455 LD: Approval of a five-lot subdivision with a private hammer-head street and stormwater tract.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 12, 2017**. The following Bureaus have responded with no issues or concerns:

- Portland Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4); and
- Site Development (Exhibit E.5).

The Bureau of Environmental Services had no concerns or issues with the proposed Adjustments but provided comments that the applicant should be aware of requirements related to locating drywells as part of a building permit (Exhibit E.1).

Life Safety provided comments noting that attached houses connected at the property line with a common wall must be constructed as rowhouse under the Oregon Residential Specialty Code (Exhibit E.6).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 12, 2017. Two responses have been received from notified property owners in response to the proposal.

1. Faustino Ramirez, a nearby property owner, provided comments (Exhibit F.1) that included concerns about additional residential units bringing more cars into the area and parking taking place along the sides of streets, including on sidewalks, preventing kids from having a space place to walk to school and drivers from having clear vision corridors around corners. Lastly, Mr. Ramirez included concerns over homeless individuals parking in cars in the neighborhood, the number of potholes in streets and the lack of City enforcement on related issues.
2. Sherrie Amaral, a nearby property owner, provided comments (Exhibit F.2) that raised concerns about the proximity of the new driveways of the attached houses to her driveway and the impact on vehicle maneuverability on the private street known as SE Pine Court. Her home is on the south side of the stormwater tract of the subdivision and she wrote that approval of the Adjustments could impact her ability to back out of her driveway.

The concerns of neighbors near land use actions are generally based on reasonable concerns. However, often those concerns are unrelated to the specifics of the land use request the comments are made on. Such is the case with the comments received for this application. Homelessness is a significant livability issue but unrelated to the proposal to adjust the garage entrance setback of amount of vehicle area within the between the front building lot line and proposed house. Vehicles parking along streets or sidewalks are subject to the relevant codes on street parking but not associated with the Adjustments being requested. Cars parked along streets with City “No Parking” signs are subject to parking enforcement. Cars parked on sidewalks are subject to parking enforcement as well as zoning code enforcement related to parking standards in Portland Zoning Code 33.266. As proposed, the driveways of the two proposed homes are too small to contain legal parking space and if vehicles are parked in the driveways they are subject to code enforcement action if complaints are received.

## **ZONING CODE APPROVAL CRITERIA**

### **33.805.040 Approval Criteria**

**The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.**

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**

**Staff:** The applicant is requesting two adjustments through this land use review on two lots: Adjustments to the garage entrance setback for both houses (33.110.220 and Table 110-3) and an Adjustment to the amount of vehicle area between the front lot line and the building line on Lot 2 (33.266.120) (Exhibit C.1).

**Garage Entrance Setback**

The garage entrance setback for Lot 1 is proposed to be reduced from 18-feet down to 6-feet 8-inches and for Lot 2 the garage entrance is proposed to be reduced from 18-feet down to 11-feet 1.5-inches.

The purpose of setbacks is found in Portland Zoning Code section 33.110.220:

***Purpose.*** *The setback regulations for buildings and garage entrances serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of houses in the city's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Of the listed purpose statements, the last one is the only relevant one to the garage entrance setback:

- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

The general concern with the garage entrance distance is that a substandard driveway length may have ambiguity as to whether or not a vehicle will fully fit in the driveway between the garage and property line and not overhang the street or sidewalk. The general assumption is an average vehicle length is between 15 and 17-feet. An 18-foot driveway in front of a garage generally provides a useable parking area that would keep a vehicle 15 to 17-feet in length from extending across the property line. By reducing the length of the garage entrance setback for Lot 1 from 18-feet to 6-feet 8-inches, a vehicle clearly would not fit in the driveway and would have approximately half of the vehicle overhanging the property line and encroach into the street or sidewalk. Because the proposed reduced garage entrance setback leaves no ambiguity of the vehicle fitting in front of the garage, the driver will not park there and therefore will not extend over the sidewalk or into the street. Likewise, reducing the garage entrance setback for Lot 2 from 18-feet down to 11.5-feet will also not provide adequate driveway length to park a car without a significant portion overhanging the sidewalk or street and therefore leaves no ambiguity as to whether the vehicle will fit in front of the garage. For both lots, there is no ambiguity of a vehicle fitting in front of the garage entrance without overhanging the property line and therefore in both cases a driver will not park there and will not overhang the sidewalk or street.

Because the two homes are on a private non-through road that serves a total of five homes, including the two lots subject to this review, traffic on the street will be minimal. Vehicles backing out from the attached garages will have between nearly 7-feet and 11-feet of visual clearance before entering the private street. SE Pine Court is 26-feet in width. Combined, the two distances provide enough room and visual clearance for a vehicle backing out to avoid conflicts with passing vehicles. Additionally, the new homes currently being constructed across SE Pine Court have their driveways at least

30-feet to the west of the driveways on both the lots subject to this review, providing a staggered entrance pattern. By the subject lots locating the driveway entrances as proposed, visual clearance is enhanced with the additional horizontal distance from the driveways being constructed in addition to the depth of the garage entrance setback, thus reducing the chance of conflicts from vehicles backing out of the driveway and passing by the subject lots.

The garage entrance setback standard is met.

**Vehicle area between front property line and building line**

Lot 2 has a non-rectangular 'L' shaped property that has a front property line measuring a total of 25.5-feet in length with a 90-degree bend (Exhibit C.1). The property is oddly shaped with the front property line being the shortest of all the property lines and with the 90-degree bend. Under 33.266.120, the amount of vehicle area between the front property line and the building line is limited to 40%. The purpose statement for this standard is as follows:

*'Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.'*

The proposed attached house on Lot 2 has the garage on the west side of the building with a common wall along the property line with the house on Lot 1. The garage faces the 19-foot front property line before the 90-degree bend. The proposed house has a double-car garage with a 16-foot wide driveway extending 11.5-feet in length from the garage entrance to the property line for a total vehicle area of 184 square feet. Staff determined the amount of total area between the property line and the building line, which also wraps around the 90-degree bend, is 341.5 square feet. Based on these numbers, the proposed vehicle area makes up 54% of the area between the front property line and the building line.

The proposed two-car driveway is a typical width for a driveway at 16-feet for midcentury to newly constructed homes that are typical of East Portland. For a normal 50-foot wide lot, a 16-foot driveway would make up 32% of the area between the front property line and building and 40% for a 40-foot wide lot. A person viewing the proposed home would think the double car driveway and garage was a normal development pattern, no matter the technical length of the front property line. Additionally, while Lot 2's front property line is just under 25-feet in length, the front façade of the house extends approximately 49-feet in length, towards the side property line due to the unusual shape of the lot. The long façade of the home further supports the appearance and visual queue that the 16-foot wide vehicle area is within the 40% allowance of the code and would appear to match the building pattern of neighborhoods in East Portland.

Lastly, just to the south of Lot 2 is a 25-foot wide private stormwater tract for the subdivision that adds to the visual length of the front property line, even though it is under the private ownership of the subdivision lot owners, including the subject lots. Because it is a private tract owned in part by all the owners of the subdivision, including the subject lot, it will never be developed with a structure or vehicle area and will keep the visual lengthening of the front property line.

Given the atypical lot configuration and front lot line; typical driveway size; development patten in this portion of East Portland and the appearance of a larger front lot due to the length of the house and location of the stormwater tract, staff finds the proposed vehicle area between the front lot line and the building line equally meets the purpose of the standard to enhance the appearance of neighborhoods by adhering to the typical development pattern in East Portland and mimicking the vehicle areas of nearby development.

*Criterion met.*

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the**

**proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**

**Finding:** The subject lots are in the R5 zone, a residential zone so the proposal must not detract from the livability or appearance of the residential area. Staff found in Finding A above that the vehicle area between the front lot line and building line on Lot 2 exceeding the 40% maximum would not detract from the appearance of the neighborhood. The garage entrance to Lot 1, while reduced below the 18-foot requirement in 33.110.220, is on the same plane as the side wall of the existing home and includes living space directly above. The garage does not project out from the house and a form of development without the garage being a focal point and thus the aesthetic form of design the code intends. Considering the facts in Finding A as well as those above, staff finds the proposal will not significantly detract from the appearance of the area.

Livability is a broad term that includes appearance as well as safety issues. As noted in Finding A above, the garage entrance setback requirement is to ensure that vehicles parking in a driveway in front of a garage do not overhang the sidewalk or the street and present a safety hazard to pedestrians or drivers. Because the setback distance on both Lot 1 and Lot 2 is proposed to be reduced to just over 6.5-feet and just over 11-feet respectively, a vehicle will obviously not fit in the driveway without significantly overhanging the sidewalk or street. Because a vehicle will clearly not fit in the space and up to half the vehicle would overhang the sidewalk and create a code compliance issues, drivers will not park there, thus avoiding a safety hazard concern. A condition of approval will be included prohibiting parking in front of the garages to help ensure vehicles will not park there. Having more than 40% of the area between a front lot line and the building line is an aesthetic issue and not a safety issue and therefore that Adjustment request is not relevant to this criterion.

*Criterion met.*

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

**Finding:** Three total Adjustments are being requested: Adjustments to the garage entrance setback on both Lot 1 and 2 and an Adjustment to increase the amount of vehicle area between the front lot line and building line to over 40%. The purpose of the single-dwelling zones is found in 33.110.010:

***33.110.010 Purpose***

*The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.*

- A. *Use regulations. The use regulations are intended to create, maintain and promote single dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood.*
- B. *Development standards. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on*

*flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.*

The standards being adjusted as part of this application deal with aesthetics and with safety, two unrelated standards. Staff reviewed the proposed development for aesthetic and safety purposes in Findings A and B above and found the proposal will not detract from the appearance of the neighborhood or adversely impact safety. Because the development standards being adjusted have no relationship to each other and staff found the purpose of each development standard being adjusted was equally met, there is no cumulative effect and the overall purpose of the single-dwelling zone is met.

*Criterion met.*

**D. City-designated scenic resources and historic resources are preserved; and**

**Finding:** City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” while historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. The subject property is not within a City-designated ‘s’ overlay zone nor within proximity to an Historic Resource. Considering the lack of proximity to city-designated scenic and historic resources, staff finds development will not adversely impact scenic or historic resources and they will be preserved.

*Criterion met.*

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

**Finding:** As found in staff responses to criteria A, B, and C, the requested adjustments equally or better meet the purposes of the respective purpose statements. Staff found there are no adverse impacts resulting from the Adjustments and as such no mitigation is required.

*Criterion met.*

**F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

**Finding:** The property is more than one-half mile from the nearest environmental zone. This criterion is not applicable.

*Criterion 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 has demonstrated that the applicable approval criteria have been met for the requested Adjustments. The Adjustments equally meet the purpose of the garage entrance setback and the amount of vehicle area allowed between the front property line and the building line for houses and duplexes; will not significantly detract from the livability or appearance of the residential area; and have no impact on historic, scenic or environmental resources.

## ADMINISTRATIVE DECISION

Approval of Adjustments to:


- Reduce the garage entrance setback (33.110.220, Table 110-3) on Lot 1 from 18-feet down to 6-feet 8.5-inches;

- Reduce the garage entrance setback (33.110.220, table 110-3) on Lot 2 from 18-feet down to 11.5-feet; and
- Increase amount of vehicle area between the front property line and building line (33.266.120) on Lot 2 from a maximum of 40% to 54%;

Per the approved site plan, Exhibit C.1, signed and dated November 8, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-120757 AD. No field changes allowed."
- B. Vehicles are not permitted to park in the driveways on either of the subject lots (33.266.120; 33.805.040.B).

**Staff Planner: Don Kienholz**

**Decision rendered by:**  **on November 8, 2017**

By authority of the Director of the Bureau of Development Services

**Decision mailed: November 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 February 13, 2017, and was determined to be complete on August 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 February 13, 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 245-days as stated with Exhibit G.4. **The 120 days will expire on: August 14, 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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 1, 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 Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **December 1, 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.

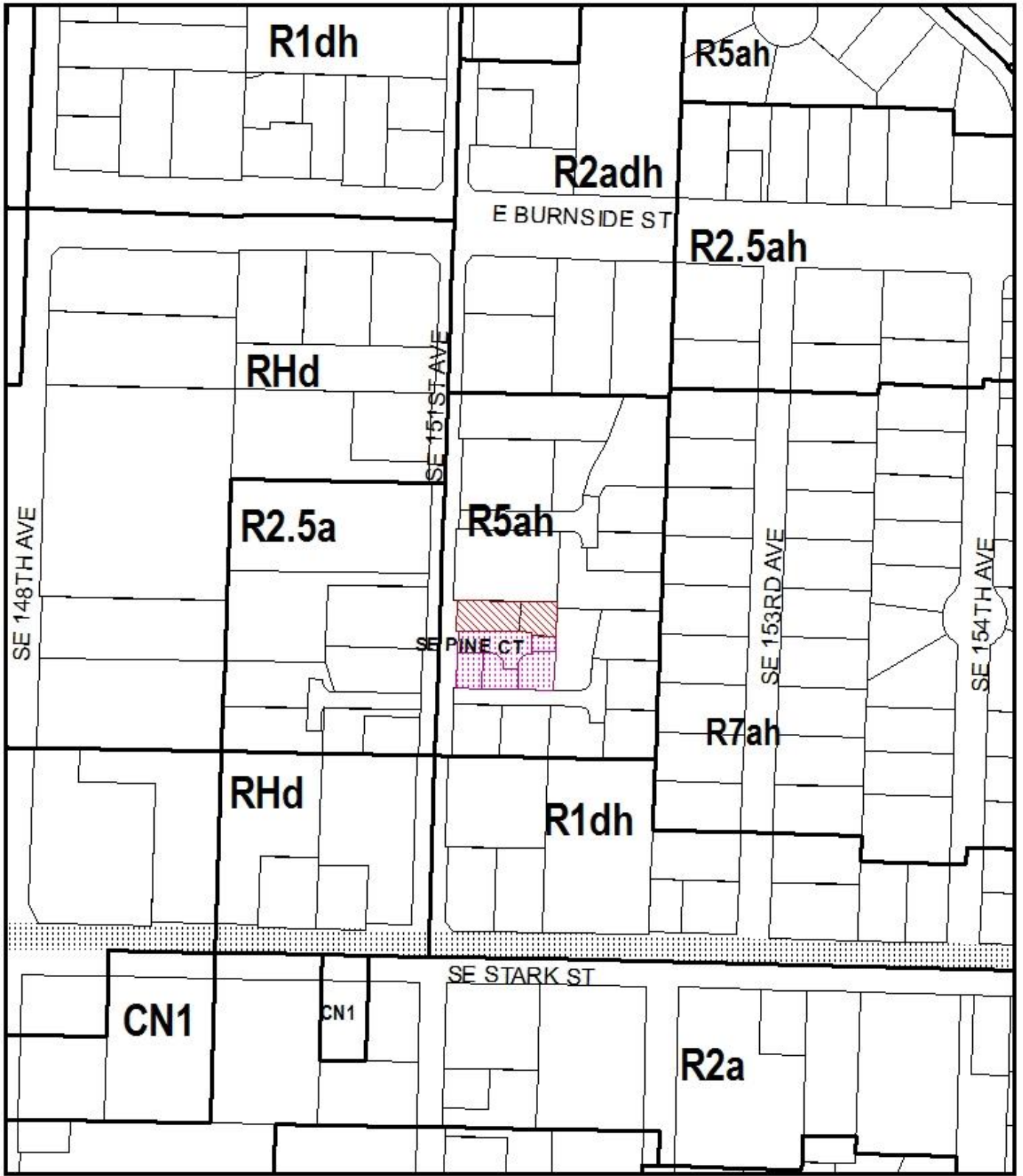
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Materials
  - 1. February 13, 2017 Site Plan, Building Elevations and Floor Plans
  - 2. May 9, 2017 Narrative
  - 3. May 9, 2017 Site Plan, Building Elevations and Floor Plans
  - 4. August 14, 2017 Narrative
  - 5. August 14 Site and Building Plans
  - 6. Copy of Arborist Report From 2005 Land Division Case LU 05-141455 LD
  - 7. September 5, 2017 Arborist Report and Root Protection Zone
- 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 Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development
  - 6. Life Safety
- F. Correspondence:
  - 1. October 25, 2017 Comment from Faustino Ramirez regarding concerns with crime, homelessness, too many cars parking in area, a lack of sidewalks and a lack of City enforcement.
  - 2. November 1, 2017 Comment from Sherrie Amaral regarding concerns of the Adjustment reducing clearance for adequate turnaround area in the private street and make access to the driveway on their property difficult.
- G. Other:
  - 1. Original LU Application and Receipt of Payment
  - 2. February 27, 2017 Incomplete Letter, 2005 Root Protection Zone, 2005 Land Division Plat and Area Calculations
  - 3. June 12, 2017 Incomplete Letter
  - 4. Email Exchange on Day 180 Approaching and Applicant Deeming Application Complete
  - 5. August 14, 2017 245-Day Extension to Statutory Clock

**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

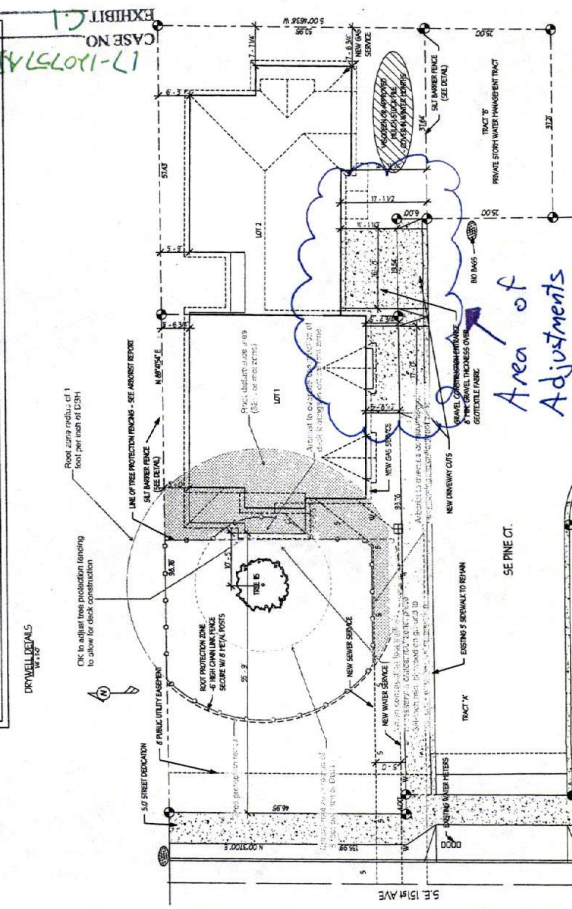
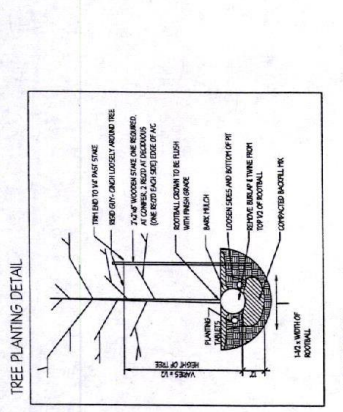
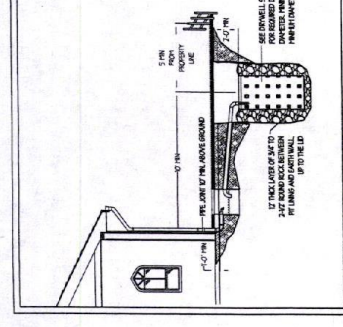
File No.	<u>LU 17-120757 AD</u>
1/4 Section	<u>3045</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E36CD 1501</u>
Exhibit	<u>B (Feb 16, 2017)</u>



This site lies within the:  
EAST CORRIDOR PLAN DISTRICT

**DEVELOPMENT CHANGES**

NO.	DESCRIPTION	DATE	BY
1	CHANGED FROM 4 TO 6 UNITS PER LOT	11-8-17	[Signature]
2	CHANGED FROM 10 TO 12 UNITS PER LOT	11-8-17	[Signature]
3	CHANGED FROM 12 TO 14 UNITS PER LOT	11-8-17	[Signature]
4	CHANGED FROM 14 TO 16 UNITS PER LOT	11-8-17	[Signature]
5	CHANGED FROM 16 TO 18 UNITS PER LOT	11-8-17	[Signature]
6	CHANGED FROM 18 TO 20 UNITS PER LOT	11-8-17	[Signature]
7	CHANGED FROM 20 TO 22 UNITS PER LOT	11-8-17	[Signature]
8	CHANGED FROM 22 TO 24 UNITS PER LOT	11-8-17	[Signature]
9	CHANGED FROM 24 TO 26 UNITS PER LOT	11-8-17	[Signature]
10	CHANGED FROM 26 TO 28 UNITS PER LOT	11-8-17	[Signature]
11	CHANGED FROM 28 TO 30 UNITS PER LOT	11-8-17	[Signature]
12	CHANGED FROM 30 TO 32 UNITS PER LOT	11-8-17	[Signature]
13	CHANGED FROM 32 TO 34 UNITS PER LOT	11-8-17	[Signature]
14	CHANGED FROM 34 TO 36 UNITS PER LOT	11-8-17	[Signature]
15	CHANGED FROM 36 TO 38 UNITS PER LOT	11-8-17	[Signature]
16	CHANGED FROM 38 TO 40 UNITS PER LOT	11-8-17	[Signature]
17	CHANGED FROM 40 TO 42 UNITS PER LOT	11-8-17	[Signature]
18	CHANGED FROM 42 TO 44 UNITS PER LOT	11-8-17	[Signature]
19	CHANGED FROM 44 TO 46 UNITS PER LOT	11-8-17	[Signature]
20	CHANGED FROM 46 TO 48 UNITS PER LOT	11-8-17	[Signature]
21	CHANGED FROM 48 TO 50 UNITS PER LOT	11-8-17	[Signature]
22	CHANGED FROM 50 TO 52 UNITS PER LOT	11-8-17	[Signature]
23	CHANGED FROM 52 TO 54 UNITS PER LOT	11-8-17	[Signature]
24	CHANGED FROM 54 TO 56 UNITS PER LOT	11-8-17	[Signature]
25	CHANGED FROM 56 TO 58 UNITS PER LOT	11-8-17	[Signature]
26	CHANGED FROM 58 TO 60 UNITS PER LOT	11-8-17	[Signature]
27	CHANGED FROM 60 TO 62 UNITS PER LOT	11-8-17	[Signature]
28	CHANGED FROM 62 TO 64 UNITS PER LOT	11-8-17	[Signature]
29	CHANGED FROM 64 TO 66 UNITS PER LOT	11-8-17	[Signature]
30	CHANGED FROM 66 TO 68 UNITS PER LOT	11-8-17	[Signature]
31	CHANGED FROM 68 TO 70 UNITS PER LOT	11-8-17	[Signature]
32	CHANGED FROM 70 TO 72 UNITS PER LOT	11-8-17	[Signature]
33	CHANGED FROM 72 TO 74 UNITS PER LOT	11-8-17	[Signature]
34	CHANGED FROM 74 TO 76 UNITS PER LOT	11-8-17	[Signature]
35	CHANGED FROM 76 TO 78 UNITS PER LOT	11-8-17	[Signature]
36	CHANGED FROM 78 TO 80 UNITS PER LOT	11-8-17	[Signature]
37	CHANGED FROM 80 TO 82 UNITS PER LOT	11-8-17	[Signature]
38	CHANGED FROM 82 TO 84 UNITS PER LOT	11-8-17	[Signature]
39	CHANGED FROM 84 TO 86 UNITS PER LOT	11-8-17	[Signature]
40	CHANGED FROM 86 TO 88 UNITS PER LOT	11-8-17	[Signature]
41	CHANGED FROM 88 TO 90 UNITS PER LOT	11-8-17	[Signature]
42	CHANGED FROM 90 TO 92 UNITS PER LOT	11-8-17	[Signature]
43	CHANGED FROM 92 TO 94 UNITS PER LOT	11-8-17	[Signature]
44	CHANGED FROM 94 TO 96 UNITS PER LOT	11-8-17	[Signature]
45	CHANGED FROM 96 TO 98 UNITS PER LOT	11-8-17	[Signature]
46	CHANGED FROM 98 TO 100 UNITS PER LOT	11-8-17	[Signature]



**RECEIVED**  
 SEP 15 2017  
 By: [Signature]

**\* Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *Day Penhag*  
 Date *11-8-17*

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