



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: February 14, 2019
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@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 18-258223 AD

GENERAL INFORMATION

Applicant / Owner: Marie Taylor
4343 NE Ainsworth Street | Portland, OR 97218-1317
(503) 381-0790 | marie_tylr@yahoo.com

Site Address: 4539 NE AINSWORTH STREET

Legal Description: BLOCK 1 LOT 3 TL 3000, ENGLEWOOD PK
Tax Account No.: R252800230, R252800230
State ID No.: 1N2E18CB 03000, 1N2E18CB 03000
Quarter Section: 2435

Neighborhood: Cully, contact David Sweet at 503-493-9434.
Business District: None
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503-823-2780.

Zoning: R10h, Single Dwelling Residential 10,000 Zone, and within the Aircraft Landing Overlay Zone (h)

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

Proposal: The applicant proposes to legalize the existing detached accessory structure and convert it to an Accessory Dwelling Unit (ADU). The one-story structure was originally built as a garage. Improvements were made to the garage without building permits, including a small rear addition and interior conversion to living space. Because the former garage was converted to living space, the existing driveway provides the required parking space on the site.

In the R10 zone, accessory structures must be set back at least 10 feet from side property lines, and ADUs must be set back at least 40 feet from the front property line. A site plan and building elevations are attached to this notice.

The applicant requests two Adjustments:

1. To reduce the required side building setback (west) from 10 feet to 2.9 feet and reduce the required eave setback to 2.5 feet (Section 33.110.220.B and C); and
2. To reduce the required front building setback (south, facing NE Ainsworth Street) from 40 feet to 39 feet (Section 33.205.040.C.4).

Relevant Approval Criteria:

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 subject site is a 12,240 square-foot lot, measuring approximately 90 feet along its frontage with NE Ainsworth Street and approximately 144 feet in depth. It is developed with a one and one-half story single dwelling house (1924) and detached garage. Two small sheds are located near the rear property line. Topography on the site is gently sloping downward from south to north.

Residential properties within a block of the subject site are predominantly developed with single dwelling houses, most of which are set back 20 feet or more from the street. Detached accessory structures such as garages, sheds or ADUs generally are located behind the associated house; many are located close to side property lines. Site areas are variable in size: six properties to the west of the site each average 5,000 square feet in area, while properties to the east of the site are much larger, averaging between 8,000 square feet to over 40,000 square feet in area. Some of the larger properties are over 250 feet in depth. Large trees and mature landscaping are prevalent in both front and rear yards. A variety of housing styles, scale and architectural periods are found in the immediate area, from the early 1900 farm houses to the 1950s ranch-style homes.

Northeast Ainsworth Street is developed with only a paved roadway, without curbs and sidewalks. The city's Historic Resources Inventory (completed in 1984) identifies NE 46th Avenue (between NE Ainsworth and NE Simpson), east of the site, as a ". . . wagon road cut through a hill with sandy soil." Known as the "sand cut road" it currently has a gravel surface with no public improvements. The Inventory also identifies an original post office box (early 1900s) that was located at NE Ainsworth and NE 46th. Owned by the United States Postal Service, it has since been replaced. These conditions, along with large lot areas and mature landscaping, create a semi-rural character or appearance along the street.

Zoning: The site is zoned R10h – Single-Dwelling Residential 10,000 zone with the "h" Aircraft Landing overlay zone. The overlay zone is applied to areas near the Portland International Airport.

Zoning:

- R10, Residential 10,000 Zone. The R10 zone is one of the city's single-dwelling zones which 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.
- h, Aircraft Landing Overlay Zone. The "h" overlay zone provides safer operating conditions for aircraft near Portland International Airport by limiting the height of structures, vegetation, and construction equipment. *Because the subject site is within a Residential zone, the height limit of the R10 zone applies, per 33.400.030.B.*

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 11, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4); and
- Site Development Section of BDS (Exhibit E-5).

The Bureau of Transportation Engineering notes that right-of-way improvements or dedication along NE Ainsworth Street are not required (Exhibit E-2).

The Residential Life Safety Plans Examiner (building code) does not object to the proposed Adjustments but provides the following notes pertaining to review of the building permit plans, because portions of the detached accessory structure are less than 3 feet from the side (west) property line:

Exterior walls less than three feet to a property line shall be one-hour fire-rated with no openings allowed. Eaves less than three feet to a property line must be protected on the underside as required for one-hour fire rated construction (ORSC R302.1). Roofs and eaves may not project closer than two feet to a property line. (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 11, 2019. A total of two written responses were received from notified property owners in response to the proposal. Both letters express support for the proposal (Exhibits F-1 and F-2).

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings:

Adjustment #1

The applicant is requesting that the required side building setback from the west property line be reduced from 10 feet to 2.9 feet for the building wall and 2.6 feet for the eave.

The purpose of the setback requirement in the R10 zone is stated in Zoning Code Section 33.110.220.A:

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

- *maintain light, air, separation for fire protection, and access for fire-fighting;*

- *reflect the general building scale and placement of houses in the city's neighborhoods;*
- *promote a reasonable physical relationship between residences;*
- *promote options for privacy for neighboring properties;*
- *require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *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*
- *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.*

Maintain light, air, and separation: As the site has a slight downward slope from the south (front of lot) to the north (rear of lot), the height of the west wall of the proposed detached ADU varies from 10 feet to 14 feet. The overall height is just under 12 feet (measured at the street-facing wall, from existing grade to midpoint of the pitched roof). The lot to the west is currently vacant of structures, resulting in more than 50 feet of separation between the ADU and the nearby houses to the west. Further, the ADU is set back almost 70 feet from the rear (north) property line.

The ADU's east wall is at an angle to the west property line. Accordingly, the wall's distance to this property line varies from 2.9 feet to 7.2 feet (Exhibit C-5). The west property line measures 144 feet in length while the ADU is just over 30 feet in length, allowing for the west setback area to be open along 113 feet or 78 percent of its length. Therefore, the modest height, length and location of the detached covered accessory structure maintains light and air. The Fire Bureau has no objection to the proposal (Exhibit E-4). Access to the structure for fire-fighting is available from the front and east side. Therefore, the location of the detached covered accessory structure also maintains separation for fire protection and access for fire-fighting.

Reflect general building scale and placement: The proposal seeks to legalize expansion of an existing detached garage (an 8.5-foot by 7.5-foot addition was added to the rear of the garage) and to convert the garage to an ADU. This detached accessory structure is located near the west property line. Within the subject block, staff found several properties containing detached accessory structures that are similarly located near the side or rear property lines. These structures are white rectangles with a hatched pattern on the map below, showing the subject site and subject block. The impact of the proposal is minimal as the 12,240 square-foot site as large or larger than many of the properties within the subject block and properties along NE Ainsworth within 400 feet of the site. The proposal does not overwhelm the site or the neighboring properties.



2015 Aerial Photo of the SUBJECT SITE  and surrounding residential properties with detached accessory structures 

The size, placement, and footprint of the ADU as described above reflects the general building scale and placement of development in the neighborhood.

Promote a reasonable physical relationship between residences: The ADU is more than 50 feet from the closest house on adjacent residential properties. Thus, distance between houses on adjacent sites exceeds the minimum separation of 20 feet required by the Zoning Code (R10 requires a minimum 10-foot building setback for each property along side and rear property lines). Therefore, despite being located at 2.9 feet from the side property line, the ADU maintains a reasonable physical relationship between residences.

Promote options for privacy: The overall length of the ADU's west wall is 30 feet. The northerly 14-foot-long portion of the wall is within 5 feet of the property line has no windows or doors. The remaining southerly 16-foot long portion of the wall is set back 6 to 7 feet from the west property line but does include a 4-foot by 3-foot window opening (Exhibits C-1 and C-3). While the window is a reasonable distance from the west property line, it is less than the required minimum setback of 10 feet. In this situation and condition, additional landscaping can improve options for privacy for the adjacent residential property and for future residents of the ADU. To meet this part of the criterion, a condition is need that requires planting of at least 5 tall shrubs species, reaching a mature height of at least 6 feet, adjacent to the southerly 16-foot portion of the west wall.

Require larger front setbacks: The ADU is set back 39 feet from the front property line. The R10 base zone requires a minimum 20-foot front setback. The proposal satisfies this portion of the criteria. Refer to the findings under Adjustment #2, which regards the minimum setback required by the ADU regulations.

Provide adequate flexibility: The ADU reflects the general building scale and placement of development in the neighborhood, as illustrated by the 2015 aerial photo of existing development on the subject block. The structure fits with the topography of the site, maintains the required outdoor area for the house, and allows for architectural diversity.

Provide room for a car: The site is required to maintain at least one 9-foot by 18-foot parking space located outside the 20-foot front setback. The existing garage will be converted to an ADU, but the existing gravel driveway is adequate to maintain the required onsite parking space as it is more than 9 feet in width and 39 feet in length. As a requirement of the building permit, a new paved 9-foot by 18-foot paved parking space may be required to replace the parking space formerly located in the garage.

Based on the above reasons, and with the requirement for the planting of tall shrubs within a portion of the reduced west setback area, as shown on Exhibit C-1, this criterion is met.

Adjustment #2

Findings: The applicant is requesting an Adjustment to the minimum front setback requirement for a detached ADU. The purpose of the ADU development standards is stated in Zoning Code Section 33.205.040.A:

***Purpose.** Standards for creating accessory dwelling units address the following purposes:*

- *Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;*
- *Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;*
- *Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and*
- *Provide adequate flexibility to site buildings so that they fit the topography of sites.*

The applicant proposes to convert the existing detached garage to an ADU, located near the west property line and set back 39.05 feet from the front property line (Exhibit C-5, Survey). While the ADU will not meet the 40-foot front setback requirement for a detached ADU, the structure will not be a prominent feature from the street. The structure will be a single story, with a modest building height of approximately 12 feet as viewed from the street (measured per Zoning Code Section 33.930.050). The width of the ADU is 12 feet, while the existing street-facing house wall is over 26 feet long. Also, the ADU is set back more than 10 feet from the main house, further minimizing the presence of the ADU as viewed from the street. Staff finds these attributes are compatible with the general building scale and placement of structures in the neighborhood, and that neighborhood livability and the intended "one main house per lot" visual character of the R10 zone will be protected.

The ADU will be substantially smaller than the main house on this site. The main house is 1-1/2 stories with approximately 1,844 square feet of living area, while the ADU will be a single story with less than 400 square feet of living area.

The site has a slight downward slope from south to north, but topography would not dictate the placement of the structure in this case. Placement of the structure closer to front lot line maximizes the rear yard area that can be shared between residents of the main house and residents of the ADU.

Staff also notes that the NE Ainsworth Street at this location lacks sidewalks and curbs. The NE Ainsworth right-of-way is 60 feet in width, but the roadway width is no more than 25 feet in width. This leaves additional unimproved street right-of-way located between the edge of the roadway and the front property line, which is currently in groundcover or landscaping. Staff estimates that this area is 12 to 15 feet in width. As such, the excess landscaped right-of-way area appears to be part of the site's front yard. The effect is such that the ADU appears farther from the front property line than it is, further reinforcing the secondary or accessory role of the ADU in relation to the main house.

For the reasons discussed above, staff finds the proposal equally meets the purpose of the ADU front setback requirement. This criterion is met.

- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**

Findings:

Adjustments #1 and 2

Because the subject site is in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed in the findings for Approval Criterion A, the location of the detached covered accessory structure maintains light, air, and separation; reflects the general building scale and placement; promotes a reasonable physical relationship between residences; and promotes options for privacy. The ADU is modest in height and footprint. A small area located within the gable does not have stair access and is dedicated only to attic storage.

As described in Criterion A, the ADU will not be a prominent feature from the street, since the building height is low (12 feet) and the longest wall and main entrance of the ADU are oriented away from the street. The structure will also be small in area, with less than 400 square feet of living area in the ADU compared to approximately 1,844 square feet of living area in the existing house on the site.

The design of the ADU is simple but attractive, with shake and horizontal lap siding, gabled roof, eaves, and a small covered porch at the main entrance. It fits with the existing house on the site and fits in with nearby homes in this established neighborhood.

For these reasons, staff finds the proposal will not detract from the livability or appearance of the surrounding residential area. This criterion is met.

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

Findings: Two Adjustments are requested. The overall purpose of the R10 Single Dwelling Residential zone in Section 33.110.010 is as follows:

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 primary use of the site is household living and the proposed ADU is a household living use and meets the maximum size requirements for ADUs.

Except for the minimum 10-foot side building setback and the minimum 40-foot setback for an ADU, the proposal meets all R10 zone development standards. Certain aspects of the site, such as building coverage that is significantly less than the maximum allowed, and the outdoor area which is greater than the minimum required, result in an aesthetically pleasing site. It demonstrates that, along with the findings under Criteria A and B regarding the ADUs modest height, small footprint and compatible exterior design features, that the proposal is consistent with the neighborhood character.

Because an existing detached garage is proposed to be converted into an ADU, no exterior work is proposed (except for the building code requirements for fire protection identified in Exhibit E-6). No trees or other vegetation will be removed as part of the proposal. To address future privacy concerns about an existing window at west building elevation within the reduced setback area, tall shrubs must be planted within the reduced setback area. Note that qualifying existing vegetation, either shrubs or trees, can substitute for this requirement. For these reasons, the cumulative effect of the two Adjustments results in a proposal that is consistent with the overall purpose of the R10 zone. This criterion is met.

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

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. Because there no scenic or historic resource designations are mapped on the subject site, this criterion is not applicable.

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

Findings: As discussed in the findings for Approval Criteria A and B, the proposal equally meets the purposes of the setback regulations of the base zone and for ADUs and has no adverse effect on the livability or appearance of the residential area. Impacts resulting from the Adjustments are not expected. Therefore, this criterion is met.

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

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). Because no environmental overlay zone is mapped on subject site, 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 to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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 proposal to convert an existing detached garage to an ADU requires two Adjustments: to reduce the minimum west side building setback and the front setback for a detached ADU. No physical changes are proposed to the site; existing trees will be retained. Planting of shrubs within the reduced side setback will minimize privacy impacts on adjacent properties. The

proposal equally meets the intent of the regulation and will not adversely affect the livability and appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria are met; the proposal merits approval.

ADMINISTRATIVE DECISION

Approval of two Adjustments for a one-story detached ADU:

1. To reduce the required side building setback (west) from 10 feet to 2.9 feet and reduce the required eave setback to 2.5 feet (Section 33.110.220.B and C); and
2. To reduce the required front building setback (south, facing NE Ainsworth Street) from 40 feet to 39 feet (Section 33.205.040.C.4).

Approvals are per the approved plans, Exhibits C-1 through C-5, signed and dated February 12, 2019, subject to the following condition:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-258223 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A row of at least 5 shrubs must be planted within the west setback area as shown on Exhibit C-1. The required 5 shrubs must be identified on the site plan for the ADU building permit (species, planting size and location). Existing trees or suitable shrub species may qualify and be substituted for this requirement. Selected shrub species for planting must reach 6 feet in height within three years of planting. Existing trees or shrubs used to meet this requirement must be at least 6 feet in height at time of ADU building permit approval. Required plantings are subject to Sections 33.248.030 and 33.249.040.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on February 12, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 14, 2019.

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 25, 2018 and was determined to be complete on January 8, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on October 25, 2018.

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 May 8, 2019.**

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 February 28, 2019**, 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 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 **February 28, 2019**, 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:

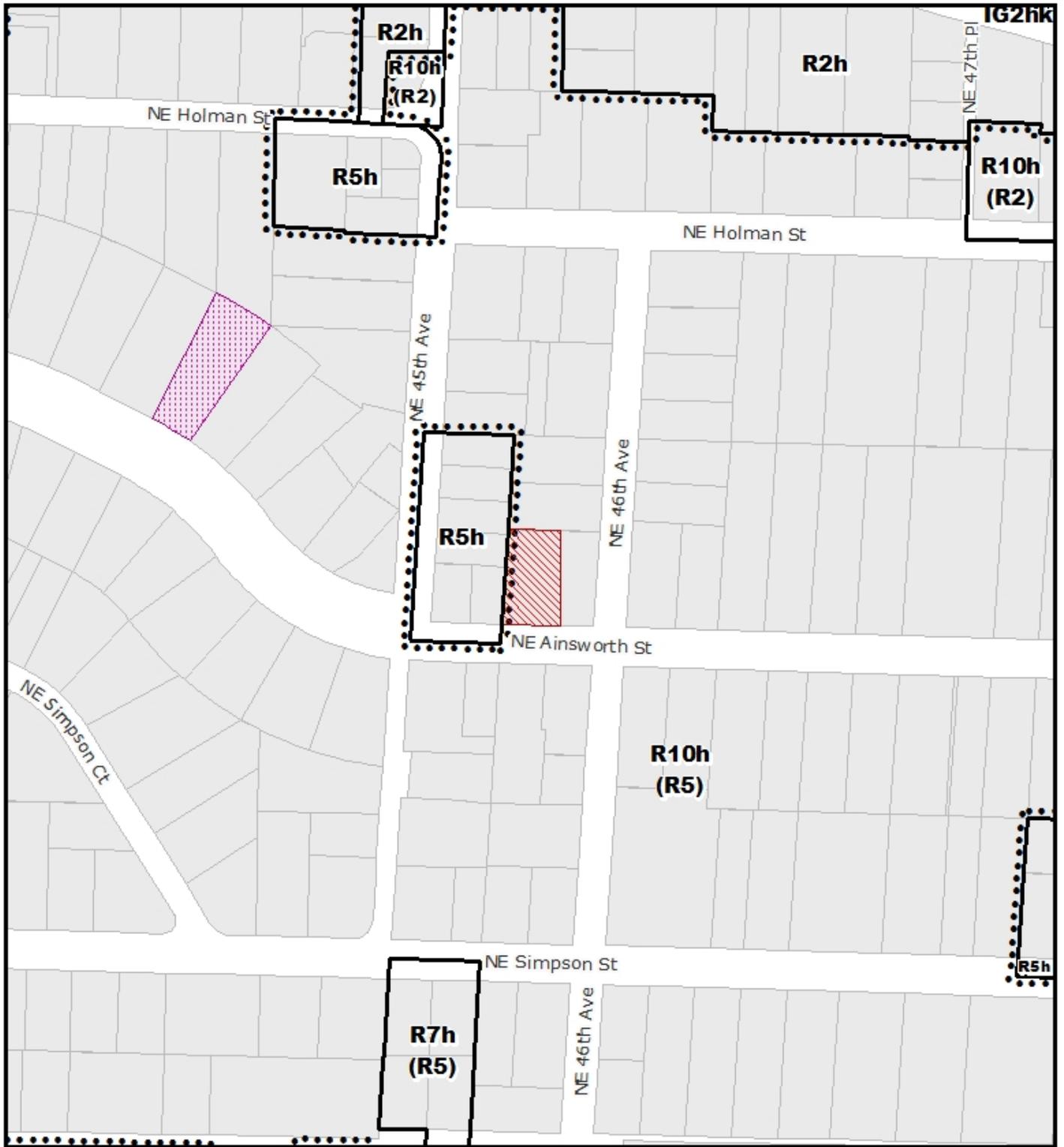
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal, October 25, 2018
 2. Updated Submittal, January 5, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. East and South ADU Elevations (attached)
 3. West and North ADU Elevations (attached)
 4. ADU Floor Plan (attached)
 5. Survey - West and South Setbacks of ADU (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 Review Section of BDS
 6. Residential Life Safety Plan Review of BDS
- F. Correspondence:
 1. Peter B. and Barbara J. Miller, January 23, 2019, in support of the proposal.
 2. Robert Granger, GBM Real Estate LLC, January 28, 2019, in support of the proposal.
- G. Other:
 1. Original LU Application
 2. M. Feuersanger Letter to Applicant, November 6, 2019, identifying information needed to complete the application.
 3. M. Feuersanger Email to Applicant, January 10, 2019, noting that a replacement parking space on the site may be required.

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).



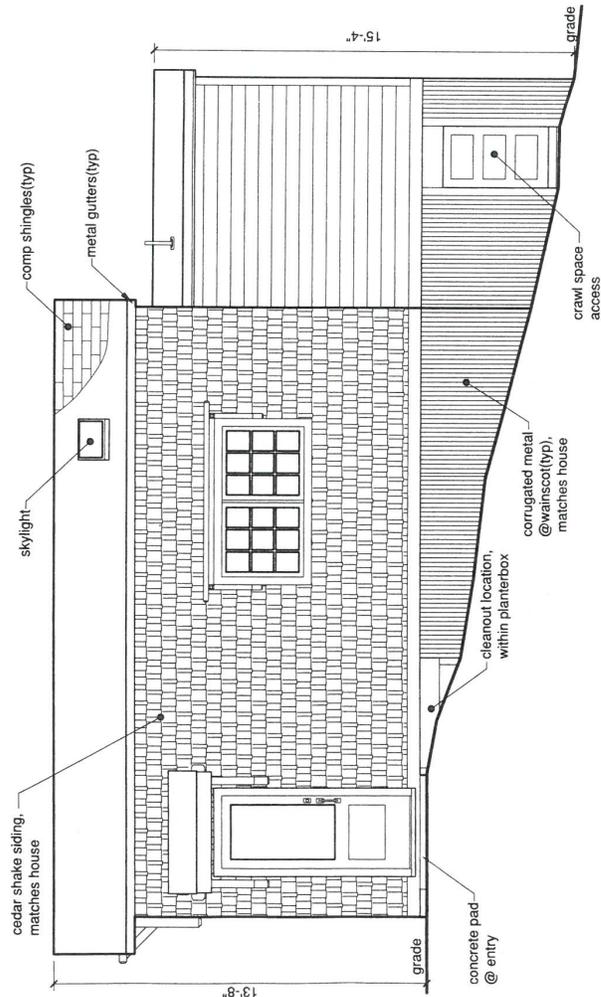
ZONING

NORTH

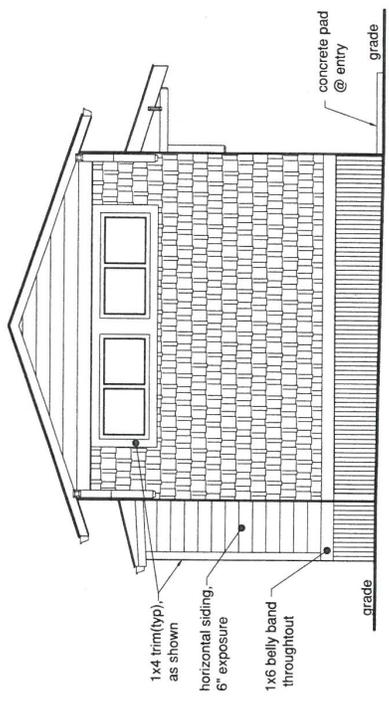
-  Site
-  Also Owned Parcels

File No.	LU 18-258223 AD
1/4 Section	2435
Scale	1 inch = 200 feet
State ID	1N2E18CB 3000
Exhibit	B Oct 30, 2018

Approve
 City of Portland - Bureau of Development Services
 Planner: *M. G.* Date: *2/12/19*
 This drawing is for informational purposes only and does not constitute an approval or a contract. It is subject to change without notice. All dimensions and materials are as shown unless otherwise noted. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.



EAST ELEVATION
 $\frac{1}{4"} = 1'$



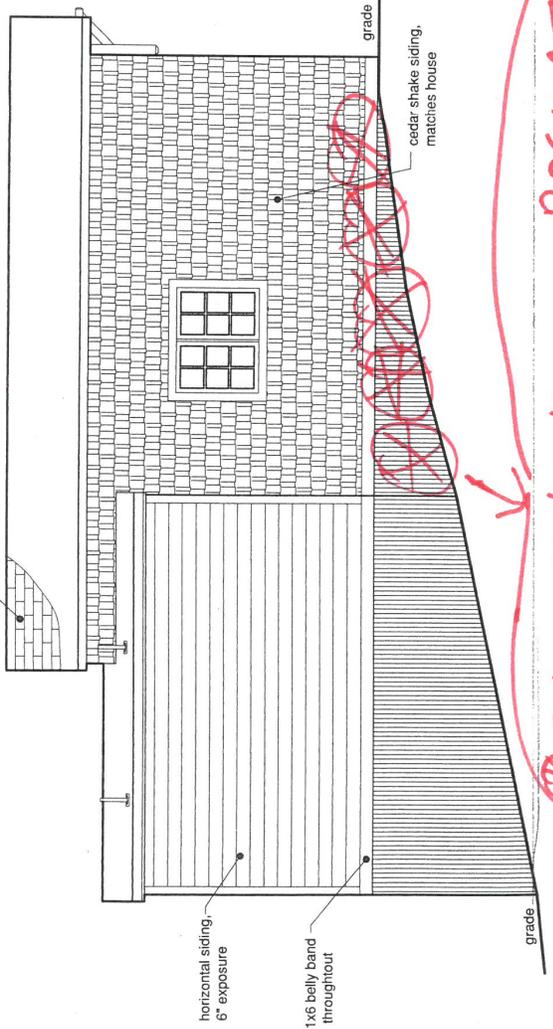
SOUTH ELEVATION --FACING
 $\frac{1}{4"} = 1'$ *NE Ainsworth St.*

PROPOSED ADU - DETACHED

EXHIBIT C.2

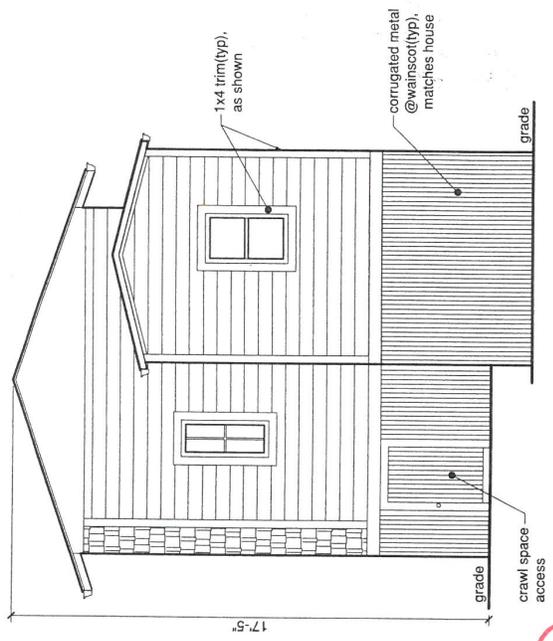
LU 18-258223 AD

Approved
 City of Portland - Bureau of Development Services
 Date: 2/12/19
 Approved for: [Signature]
 Project: [Signature]



Screening Landscaping Required Per Condition B

WEST ELEVATION $\frac{1}{4}''=1'$ Reduced Side BLDG. SETBACK



NORTH ELEVATION $\frac{1}{4}''=1'$

PROPOSED ADU - detached

EXHIBIT C.3
 LU 18-258223 AD

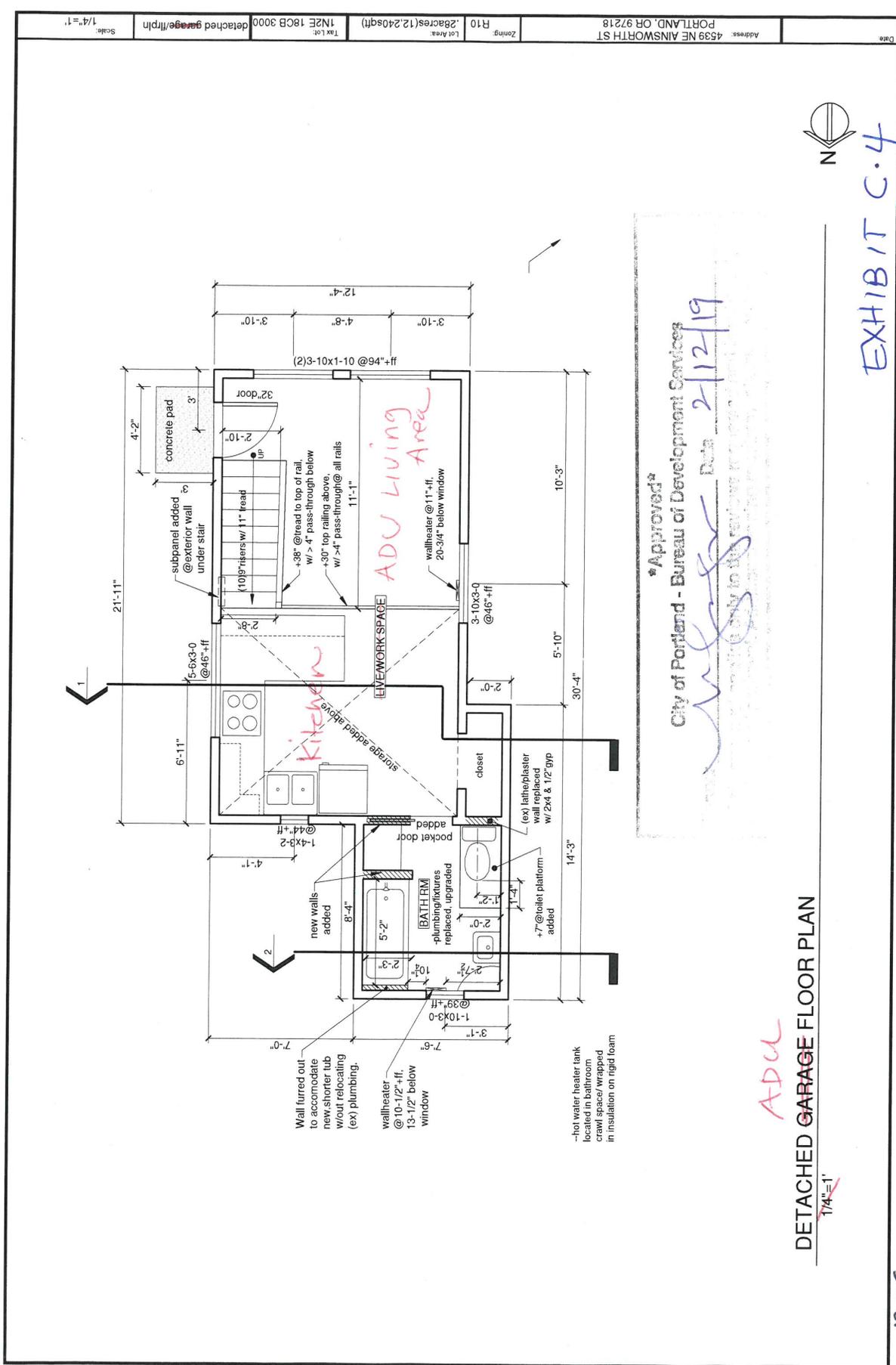


EXHIBIT C.4

18.258223 AD

DETACHED GARAGE FLOOR PLAN

1/4" = 1'

ADU

Approved
City of Portland - Bureau of Development Services
Date: 2/12/19

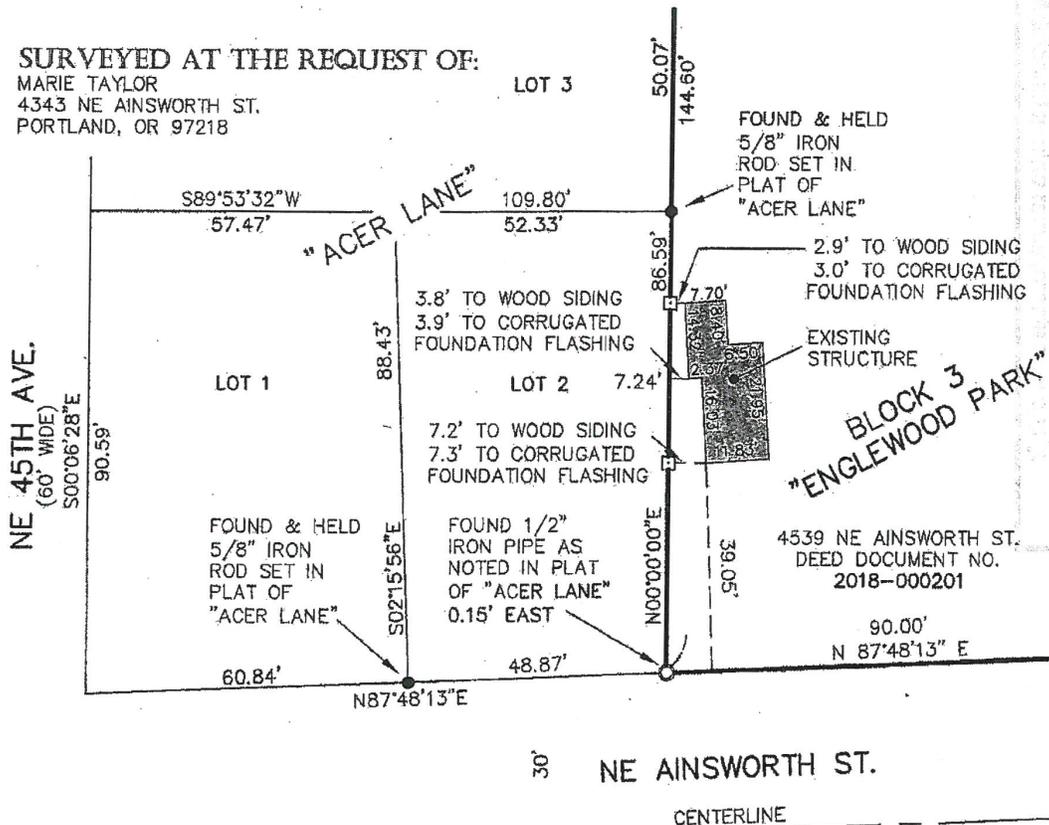
Rec. Nov. 7, 2018

EXHIBIT

A PORTION OF LOT 3 BLOCK 1 "ENGLEWOOD PARK"
 LOCATED IN THE SW 1/4 OF SECTION 18, T 1N, R 2E, W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

SURVEYED AT THE REQUEST OF:

MARIE TAYLOR
 4343 NE AINSWORTH ST.
 PORTLAND, OR 97218



NOTE:

THIS EXHIBIT IS NOT INTENDED TO IMPLY THAT A RECORD OF SURVEY WAS CONDUCTED. HOWEVER, CARE WAS TAKEN TO RECOVER AND VERIFY EXISTING MONUMENTATION THAT IS OF RECORD IN ORDER TO ACCURATELY RETRACE THE EAST LINE OF THE PLAT OF "ACER LANE" ALSO BEING COINCIDENT WITH THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2018-000201 OF THE MULTNOMAH COUNTY DEED RECORDS.

THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION IS PER MULTNOMAH COUNTY SURVEY NO. 63540

LEGEND:

□ - SET WOODEN STAKE FLUSH WITH GROUND

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Robert Johnson
 OREGON
 JULY 13, 1999
 ROBERT A. JOHNSON, JR.
 43595

RENEWAL 7-01-19

DRAWN BY: RAJ DATE: 12/07/18
 REVIEWED BY: MHB
 PROJECT NO.: 500-687-18
 SCALE: 1"=30'
MARIE TAYLOR

 **HERITAGE LAND SURVEYING, INC.**
 CONSULTING, GPS, SURVEYING SERVICES
 8413 N.E. HUMBOLDT ST. PORTLAND, OREGON 97220
 OFFICE 503-255-6558 FAX 503-255-6765

City of Portland - Bureau of Development Services 2/12/19

rec. 12/7/18

EXHIBIT C-5
 18.258223 AD