



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

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**Date:** December 16, 2019  
**To:** Interested Person  
**From:** Marguerite Feuersanger, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 19-113306 CU**

#### **GENERAL INFORMATION**

**Applicant:** Jeffrey Stump  
5315 NE 20<sup>th</sup> Avenue  
Portland, OR 97211

**ASTR Operator and Long-Term Resident:** Jose D Arechiga Brambila, Jr.  
4756 SW Beaverton Hillsdale Hwy  
Portland, OR 97221

**Owners:** Dynamic Vacation Rentals LLC  
Jose D Arechiga Brambila, Jr. and Jeffrey Stump  
4756 SW Beaverton Hillsdale Hwy  
Portland, OR 97221

**Site Address:** 4756 SW Beaverton Hillsdale Hwy  
**Legal Description:** BLOCK 21 W 8' OF LOT 10 INC PT VAC ST ACCR LOT 11, FAIRVALE  
**Tax Account No.:** R268407010  
**State ID No.:** 1S1E18AD 03200  
**Quarter Section:** 3524

**Neighborhood:** Hayhurst, contact at [contact-hayhurst@swni.org](mailto:contact-hayhurst@swni.org)  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Zoning:** R2, Multi-Dwelling Residential 2,000 Zone

**Case Type:** CU, Conditional Use  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**PROPOSAL:** The applicant, representing the current resident of 4736 SW Beaverton Hillsdale Hwy, requests Conditional Use approval to operate a Type B accessory short-term rental (ASTR)

facility at this address. Five of the seven bedrooms in the house (located in the basement and main level) are proposed for ASTR use. Groups of up to 10 guests are proposed (maximum two guests per bedroom). The long-term resident (also the ASTR Operator) will occupy the 2<sup>nd</sup> floor of the house (two bedrooms and a bathroom) and be the local contact for neighbors and will assist ASTR guests.

No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial events are proposed. Proposed house rules do not allow use of outdoor spaces between the hours of 10 pm and 7 am. The existing driveway on the site can accommodate up to three parked vehicles.

The Zoning Code contains regulations for ASTR uses (Chapter 33.207). The regulations are intended to allow for efficient use of houses in residential areas if the neighborhood character is maintained. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

The Type A ASTR use allows rental of one or two bedrooms inside a resident-occupied dwelling unit, through an administrative permit process. The Type B ASTR use allows three to five bedrooms for rent inside a resident-occupied dwelling unit and may be requested through the Type II Conditional Use review procedure (Portland Zoning Code Section 33.207.050.A.2). To create the proposed five-bedroom Type B ASTR use, the applicant has requested this Conditional Use Review.

A Transportation Analysis of the proposal was included with this application (to address transportation-related Conditional Use approval criterion D cited below).

**Relevant Approval Criteria:**

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

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal must also have to comply with applicable Statewide Planning Goals. The Statewide Planning Goals may be viewed at <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>.

## ANALYSIS

**Site and Vicinity:** The 8,250 square-foot site is located on the south side of SW Beaverton Hillsdale Highway between SW 45<sup>th</sup> and SW 50<sup>th</sup> Avenues. The site is developed with a single dwelling house, recently renovated to include six bedrooms. The property to the east (4736 SW Beaverton Hillsdale) is under the same ownership as the subject site and has an approval for a 5-bedroom ASTR for the existing single dwelling house. A public alley is located east of this adjacent site and bisects the subject block north to south, providing connection between SW Beaverton Hillsdale and the intersection of SW 45<sup>th</sup> Avenue and SW Martha Street. An on-site parking area designed to accommodate up to four vehicles is accessed via a driveway near the west property line.

Neighboring properties south of SW Beaverton Hillsdale Highway and west of the subject property are developed with a mix of one-story and two-story single-dwelling houses. East of the subject site, development consists primarily of commercial uses.

Southwest Beaverton-Hillsdale Highway is a Major City Traffic Street. Near the site, improvements include a 68-foot wide paved roadway with four vehicle travel lanes. The highway is not improved to City Standards, as there are no sidewalks along north or the south side adjacent to the site or nearby properties. Adjacent to the subject site, there is approximately 30 feet of right-of-way that is “unimproved” with a gravel surface used for on-street vehicle parking.

**Zoning:** The R2 zone is a low-density multi-dwelling zone. The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

**Relevant Land Use History:** none.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 5, 2019**. The following Bureaus have responded with no concerns:

- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Review Section of BDS (Exhibit E-6); and
- Urban Forestry Division of the Bureau of Parks and Recreation (Exhibit E-7).

The following Bureaus responded with comments:

- The Bureau of Environmental Services (BES) stated that BES has no issues related to the public services approval criterion for stormwater and sanitary service. Based on this proposal, no changes are proposed to the existing building that would trigger BES stormwater requirements. Additionally, sanitary sewer service is available via the sewer only access within the site's frontage; therefore, BES does not object to the request for conditional use approval of Type-B ASTR (Exhibit E-1);
- The Portland Bureau of Transportation responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included below under "Zoning Code Approval Criteria." (Exhibit E-2);
- The Police Bureau responded with no concerns. Police Bureau staff confirm that they are currently able to serve the existing house at the site, will be able to continue providing services to the proposal, and there are no proposed alterations to the site that would impact the Police Bureau's ability to provide adequate services (Exhibit E-5).
- Life Safety Review Section of BDS has no objection to the proposal and provides information about the requirements for a building permit (Exhibit E-8).

**Neighborhood Review:** Two written responses were received (Exhibits F-1 and F-2). One nearby resident doesn't think that there is enough parking for the proposal and suggest that at least one space per bedroom be provided (Exhibit F-1). Another nearby resident wrote in support of the proposed ASTR use but recommends conditions that require that ". . . no loud noise or bright light be emitted from the property between 10 pm and 7 am." The resident qualifies this limitation by stating that gentle conversation and light with warm color temperature are acceptable (Exhibit F-2).

**Staff Response:** The applicant's site plan shows the ability to park up to 3 cars on the site. Transportation staff note that there is additional parking in front of the site within the SW Beaverton-Hillsdale right-of-way (Exhibit E-2). The issues relating to impacts to the transportation system, noise and glare impacts are relevant to the Conditional Use approval criteria and are discussed below.

## ZONING CODE APPROVAL CRITERIA

### Conditional Uses

#### 33.815.010 Purpose

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

the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

### **33.815.105 Institutional and Other Uses in R Zones**

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

**A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** For Criteria A.1 and A.2 below, the definition of the terms “area” and “residential area” includes all residential-zoned properties within approximately 600 feet from the site’s perimeter. This distance is reasonable as it considers all residentially-zoned properties within a few blocks of the site and expands on the 150-foot notification distance for this Type II land use review. Existing nonresidential uses in the residential area include:

- one church (south of the site at the intersection of SW Fairvale Court and SW Cameron Road); and
- one Type-A ASTR (allowing the rental of one or two bedrooms for short-term guests) and one Type-B ASTRs east of the subject site (Exhibit G.4).

Given that there are approximately 100 residential zoned properties in the area, the three non-Household Living uses account for only three percent of the properties.

Note that the existing Type B ASTR east of the site (4736 SW Beaverton-Hillsdale Highway) is similar in intensity to the proposal, with a total of 5 bedrooms for ASTR use. Specific site conditions of the two sites and the larger residential area minimize the impacts of two adjacent ASTR uses, including:

- Both sites abut SW Beaverton-Hillsdale Highway, with 5 vehicle travel lanes, which is designated as a Major City Traffic Street and Major Transit Priority Street. The street has the capacity to handle significant amounts of traffic. The intensity of the existing and proposed ASTR uses is minimal on a high-traffic street when compared with impacts on other ASTR sites that abut local service streets, which are expected to carry low amounts of traffic.
- The R2 Multi-Dwelling Residential zoning of the sites allows for additional housing density by right, compared with sites that are within single-dwelling zones, which generally have lower housing density requirements than multi-dwelling zones. The subject site could have up to 4 housing units, and the adjacent site could have up to 6 housing units.
- The sites are each developed with only a single-dwelling house, each are relatively large in area (8,250 square feet and 12,400 square feet) and each contain low percentage of building area and significant amounts of trees and landscaping. Based on these characteristics, the sites retain a residential character.

Therefore, staff concludes that the presence of the existing and proposed nonresidential uses will not significantly lessen the overall appearance and function of the residential area.

The applicant is proposing ASTR use of five bedrooms in the house, with a maximum of 10 guests and two people per bedroom. Three guest bedrooms are proposed in the basement and two guest bedrooms are proposed on the main level (Exhibits C-2 and C-3). Two bedrooms and a bathroom on the second floor are to be used exclusively by the long-term resident (Exhibit C-4), who will live at the site at least 270 days per year. The kitchen on the main floor will be shared by the long-term resident and ASTR guests. The resident indicates that he expects infrequent overlap in guest's use of the kitchen (Exhibit A-4). While the proposed floor plan is unusual with respect to the sharing of the kitchen (the long-term resident has a need for a kitchen when compared to ASTR guests who are at the site for short stays), it is an acceptable scenario and does not affect the intensity of the ASTR use. To ensure that the impacts of the intensity of ASTR use are minimized, a condition of approval is necessary that limits ASTR use to single groups of up to 10 guests.

There are no alterations proposed to the house on this site, and the house will retain a residential appearance. An existing driveway provides area for parking of up to three cars while providing a turnaround area that allows cars to both enter and exit in a forward motion (this is a transportation system issue and is discussed in the findings under Criterion D below). Three mature cedar trees on the site are a significant feature and help reduce the visual impact of the paved driveway area and add to the site's residential character. A condition is therefore needed to require preservation of these trees.

Based on the above, a condition is warranted to ensure that the appearance and function of the residential area will not be significantly lessened:

- ASTR to a rental for single groups of up to 10 persons at any one time, with a maximum of two persons per bedroom.
- The three existing cedar trees noted on the site plan, Exhibit C-1, must be preserved, unless determined to be dead, dying, or dangerous by a certified arborist.

With the above conditions of approval, this criterion is met.

## **B. Physical compatibility.**

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

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

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

**Findings:** The neighborhood area is characterized by sloping topography and dense vegetation. It has an irregular street layout that does not follow a typical grid pattern; lots are similarly irregular in dimensions and layout. The site's lot size (8,250 square feet), building setbacks, and landscaping are comparable to other properties in the surrounding neighborhood. The subject site's two-story house was built in 1929 and is in character with other houses in the area, which are comprised primarily of single and two-story houses in a variety of styles.

The proposed ASTR use includes no physical changes to the existing house or to the trees and landscaping on the site. Of note, the site plan (Exhibit C-1) identifies three mature cedar trees located near the driveway turnaround and within the backyard area. The trees are significant in size and stature and contribute significantly to the residential character of the site and nearby residential properties. To ensure that the proposal is compatible with adjacent residential developments, a condition of approval is necessary:

- Three cedar trees shown on the site plan Exhibit C-1 must be preserved unless the tree is determined to be dead, dying, or dangerous, per Section 11.60.060.B.

With the above condition, this criterion is met.

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

**Findings:** The applicant is not proposing physical changes to the site or the exterior of the house. Existing development on the site complies with the zoning requirements such as building setbacks, height, and building coverage. The applicant proposes to preserve three existing cedar trees. As noted in Criterion B.2 above, a condition is applied to this decision that requires preservation of these trees.

Based on the above, mitigation is not proposed and is not required as the proposed ASTR use will not create differences in appearance or scale between the subject property and neighboring properties. This criterion does not apply.

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

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

**Findings:**

Late-night operations and noise

Primary livability concerns of many ASTRs are late-night activities and noise resulting from guests' use of both indoor and outdoor spaces. These issues are identified as a concern in a neighborhood comment letter. Given that this proposal seeks 5 bedrooms for ASTR use, the adjacent properties may be subject to greater impacts when compared with other properties in the residential area.

Commercial meetings are not permitted per the proposed House Rules (Exhibit A-5). Commercial meetings are described as events including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation (Zoning Code Section 33.207.050.B.8.a). Also, the House Rules prohibit the use of exterior areas (front patio, back patio, hot tub and the lawns) by ASTR guests between the hours of 10 pm and 7 am. This time restriction is consistent with the City's Noise Control regulations of Section 18.12.020.B. To ensure that ASTR guests are notified of the House Rules, the statement below, includes an essential restriction of Section 18.12.020.B, must be posted in a visible location within the house; it must be included in the House Rules; and included in all advertising for the ASTR

*The ASTR use must comply with City Title 18, Noise Control. Among other regulations, Title 18 sets limits on sound levels that impact residential properties. Section 18.12.020.B addresses permissible levels of sound producing or reproducing equipment. The following activities are in violation of Title 18:*

*Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the*

*operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound.*

If at some point during the ASTR operation the City finds that one or more of the conditions of this decision are not met, constituting a Zoning Code violation, the Bureau of Development Services may choose to initiate a *Reconsideration of this Land Use Approval* per 33.700.040. This process may result in revoking the ASTR permit. While this process is stated in the Zoning Code, a condition is needed given the prior code compliance issues on the site.

To further address noise and other neighborhood impact issues quickly and effectively, it is imperative that neighbors can readily contact a responsible party. A condition of approval is necessary that requires the property owner/ASTR Operator to provide Southwest Neighborhoods Inc. and residents of properties adjacent to and across the street from the site with contact information for the long-term resident/onsite manager, the property owner, and the management company. This information must be provided annually by the ASTR Operator.

#### Lights, Odor, and Litter

Two residential-type exterior lights are proposed (Exhibit A-2). Additionally, the House Rules (Exhibit A-5) specifically limit guest's use of lighting both outdoors (no lighting beyond a flashlight) and no excessive lights can be used with rooms that have an exterior window. No physical changes, and no new exterior lighting are proposed, and the proposed house rules (Exhibit A-5) include instructions for dealing with guests' garbage that will help prevent litter. No aspect of the ASTR operation is likely to produce odors that are different from a standard residential use, or that would adversely impact neighbors.

With the above conditions regarding prohibition of commercial meetings, enforcement of house rules and rental agreement requirements, limitation on use of the outdoor areas/patios, listing requirements stating the maximum number of bedrooms and guests for each stay, and provision of contact information to neighbors, this criterion is met.

#### 2. Privacy and safety issues.

**Findings:** The Fire and Police Bureaus state no concerns about the proposal (Exhibits E-3 and E-4). Additionally, all bedrooms to be rented for ASTR purposes must receive a fee paid BDS inspection to ensure these rooms met the building code requirements for sleeping rooms at the time they were created, and that each room has a functioning smoke and carbon monoxide detector. There are no inherent safety issues associated with the proposed ASTR use. The applicant will provide current contact information for the operator and onsite resident to help address impacts quickly. While outdoor patios at the front and back of the house present a potential privacy issue for adjacent properties, a limitation on the hours of the patio use will minimize the privacy impact on adjacent properties.

With the above-cited conditions, Criterion C, Livability, is met.

#### **D. Public services.**

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
  - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and

- bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

**Findings:** The Portland Bureau of Transportation (PBOT) submitted the following response for Criteria D.1 and D.2 (Exhibit E-2):

To address the transportation approval criteria, the applicant submitted a professional Transportation Impact Study (TIS) prepared by Lancaster Engineering (Exhibit A-3). PBOT Development Review staff, has reviewed the submitted professionally-prepared TIS and agrees with the methodologies, analyses, assumptions, findings and conclusions including intersection capacity (or on-street parking impacts, or neighborhood impacts, etc.) to confirm that the transportation-related approval criteria are satisfied, subject to the conditions listed below.

*Criterion D.1*

At this location, the City's Transportation System Plan (TSP) classifies SW Beaverton-Hillsdale Hwy as a *Major City Traffic, Major Transit Priority, City Bikeway, City Walkway, Major Truck street, Major Emergency Response, and Civic Corridor* for Design. The street is improved with an approximate 68-ft wide paved roadway within a 100-ft wide ROW, in which the roadway lacks a pedestrian corridor. Dedication or frontage improvements are not required at this time. The proposed Accessory Short-Term Rental (ASTR) is supportive of these designations and the development of the site with an ASTR will not impact the distribution of local traffic throughout the area. Therefore, Criterion D.1 is met.

*Criterion D.2*

*Street Capacity/Level of Service:* To estimate the vehicle trips generated by the proposed ASTR, information from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers (ITE) was utilized. Data for land use #320, *Motel*, were used to calculate trip rates for the proposed facility. ITE does not have specific data for an ASTR and the Motel use is the closest land use category for which data is available. Utilizing this data, the maximum rental scenario of a 5-unit short term is estimated to generate 18 daily trips, including two weekday morning and two weekday evening trips, in addition to the existing single-family use. Under the maximum rental scenario, the small increase of trips is not anticipated to pose a significant increase of traffic volumes. However, the applicant's findings propose a whole house rental, rather than individual rentals for each proposed room, therefore the estimated trips are projected to be less than the projected maximum.

*Street capacity and Level of Service (LOS):* the applicant's traffic engineer performed on-site traffic observations during both morning and evening peak hours of 7-9 am and 4-6 pm on Tuesday, May 1, 2018. The findings note that both the intersections of SW 45th and 50th at SW Beaverton-Hillsdale Hwy operate at LOS C or better, while the intersection of SW Martha SW Beaverton-Hillsdale Hwy operates at LOS B or better. Therefore, the existing intersections are capable of handling the nominal increase in

traffic and will not negatively affect City of Portland's operational standards.

*Safety for All Modes:* The applicant's traffic engineer evaluated safety for all modes in conjunction with the proposed ASTR use. For vehicles, the applicant obtained data from ODOT's Crash analysis data, noting 11 crashes collectively for the three studied intersections, noting the majority were the result of rear-end or angle crashes, and that no significant safety deficiencies were identified at any of the study intersections. Consistent with PBOT policy, due to the high classification of SW Beaverton Hillsdale Hwy, and in accordance with Zoning Code 33.266.130, all parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion and this shall be a condition of approval to satisfy this criterion.

*Bicycles and Pedestrians:* SW Beaverton-Hillsdale Hwy provides double-striped bike lanes on both sides of the roadway, which leads to nearby shared roadways on slower, low-volume streets. And safe, signalized pedestrian crossings are available at the SW 45th and SW Beaverton-Hillsdale Hwy, in addition to unmarked crossings at low-volume minor streets within the site vicinity. Sidewalks are not available abutting the site frontage but are occasionally available in the area and at intersections. Therefore, the proposed use will have no significant safety concerns for any mode.

*Transit Availability:* The subject site is located near four transit options within five blocks of the site; #1- Vermont, #54-Beaverton-Hillsdale, #55-Hamilton, and #56-Scholls Ferry, which provides easy access to the Central City and other areas within the greater Portland metro area.

*Connectivity:* The subject site is located within a moderately-connected neighborhood for southwest Portland, in which the established street system provides multiple routes to and from the site for vehicles and other modes. The site itself abuts SW Beaverton-Hillsdale which is an arterial itself. The property is within five blocks of four transit routes, and the surrounding Local Service streets provide safe passage for both cycling and pedestrian modes. Therefore, the property is adequately accessed by all modes, providing connectivity and access to support existing uses as well as the proposed ASTR at the subject property.

*On-Street Parking Impacts:* The parking demand generated from the proposed development was estimated using parking demand rates from Parking Generation, 4th Edition, published by the Institute of Transportation Engineers (ITE). The data utilized to determine the parking demand for the proposed conditional use were for land use #320, Motel, as it represents the closest use to the proposed ASTR for which data is available. To determine the demand and availability of on-street parking in the vicinity of the site, the applicant's traffic engineer conducted observations within 2 blocks from the site, during the overnight period corresponding to the expected peak period for residential parking demand, beginning at 12:30 am on Wednesday May 2, 2018. Within the study area, the parking study estimated that there was an on-street parking capacity of 39 spaces, in which 22 spaces were occupied at time of observation, which is an on-street parking occupancy rate of 56 percent.

The applicant's traffic engineer notes that the existing single-family home generates 2 parking spaces, and the proposed ASTR would generate 5 parking spaces, which based upon ITE data, the total demand would be 7 parking spaces under the maximum rental scenario. However, the applicant proposed to limit rentals to a single party utilizing the whole house, rather than individual unassociated guests. Therefore, the estimated trips are projected to be less than the projected maximum.

The applicant's site plan identifies three on-site parking spaces, plus a turnaround space in order to facilitate exiting the site in a forward motion; and approximately 60 feet of gravel shoulder in front of the home off SW Beaverton-Hillsdale Hwy., which would be publicly available for both the single-family home and proposed ASTR use, which would

account for 4 to 5 vehicles. (It should be noted that only parallel parking is permitted along SW Beaverton-Hillsdale Hwy). PBOT does not consider an area to be heavily parked until occupancy rates reach approximately 85 percent. Accordingly, based on the observations and analysis, the available on-street parking in the site vicinity is adequate to safely support the proposed use in addition to the existing uses in the site vicinity. Therefore, the anticipated parking demand will be negligible.

*Transportation Demand Management:* To reduce the number of vehicle trips to the site, the ASTR Operator must employ Transportation Demand Management (TDM) strategies by provided to all ASTR guests information regarding transit schedules, multi-modal information and maps, car share options, etc.

*Access Restrictions:* The site abuts an arterial, in which all available roadways provide two-way traffic, with no on-street parking restrictions. However, vehicles shall always enter and exit onto SW Beaverton Hillsdale Hwy in a forward manner, which is a required condition of approval. With this condition, the transportation facilities are adequate to accommodate the proposed use and PBOT has no access restriction concerns.

*Neighborhood Impacts:* The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented by the applicant's analysis, there is an adequate supply of on-street parking within the study area to accommodate the use. However as proposed by the applicant, limiting rentals to a single party utilizing the whole house, rather than individual unassociated guests, the estimated trips are projected to be less than the projected maximum. Services for the ASTR such as landscaping, regular maintenance, and/or cleaning will be consistent with a typical single-family home. Additionally, the minimal number of vehicle trips that will be added during the peak hours as a result of this use will not impact area intersections.

With the condition that rental of the ASTR shall be limited to a single affiliated group as proposed by the applicant, the transportation-related impacts of the proposed ASTR will be negligible.

### **Summary**

Based on the evidence included in the record, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. PBOT has no objections to the proposed Accessory Short-Term Rental (ASTR), subject to the following three conditions:

1. Rental of the ASTR shall be limited to a single affiliated group as proposed by the applicant. Renting of individual rooms to unrelated or unassociated individuals shall not be permitted.
2. All vehicles shall enter and exit SW Beaverton-Hillsdale Highway in a forward manner.
3. To reduce vehicle trips associated with the proposed use the ASTR Operator must provide to all ASTR guests information regarding transit schedules, multi-modal information and maps, car share options, etc.

Based on PBOT's review and analysis above, the proposal meets this criterion with the above three conditions of approval.

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

**Findings:** The Bureau of Environmental Services (BES) provided a written response stating no objection to the proposed ASTR facility regarding adequacy of public sanitary sewer service and stormwater management. Additionally, as no changes are

proposed to the existing building, no BES stormwater requirements are triggered (Exhibit E-1). The Water Bureau and the Fire Bureau reviewed the proposal and responded that they have no concerns with their abilities to serve the proposed ASTR (Exhibits E-3 and E-4). The Police Bureau noted that they are currently able to serve the existing house at the site and will be able to continue providing services to the proposed Type-B ASTR at this address (Exhibit E-5).

Based on the responses from the relevant City service bureaus, this criterion is met.

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

**Findings:** The site is within the boundaries of the Southwest Community Plan. The Southwest Community Plan includes the following relevant objectives for Economic Development (Page 21):

2. Support opportunities for startup and in-home business and telecommuting as a way of reducing vehicle miles traveled while promoting economic diversification; and
5. Encourage locally-owned and managed businesses and properties.

The proposed Type B ASTR will be an in-home, locally owned and managed business that promotes economic diversification by providing new lodging opportunities for tourists and other guests that will be accessory to the primary Household Living use that will remain on the property. As the applicant notes in their submittal (Exhibit A.2), local businesses would be hired for various service functions needed by the ASTR use.

For these reasons, this criterion is met.

## OREGON STATEWIDE PLANNING GOALS

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal may also have to comply with applicable Statewide Planning Goals. The Statewide Planning Goals may be viewed at <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>.

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. This application was submitted on May 3, 2019 and determined to be complete on June 16, 2019. Should the applicable city approval criteria become acknowledged during the review, the proposal may no longer be required to demonstrate compliance with the Statewide Planning Goals.

Following is a list of the Statewide Planning Goals and associated findings.

### Goal 1: Citizen Involvement

**Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.**

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications. Because this is a Type III application, a written notice seeking comments on the proposal and notice of the public hearing was mailed to property owners and tenants within 400 feet of the site, and to recognized organizations in

which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

### **Goal 2: Land Use Planning**

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal does or will comply with all applicable regulations. As a result, the proposal meets Goal 2.

### **Goal 3: Agricultural lands**

**Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.**

### **Goal 4: Forest lands**

**This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."**

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goal 3 and Goal 4 do not apply.

### **Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

**Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.**

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, the proposed development affects no significant Goal 5 Resources, in compliance with Goal 5.

### **Goal 6: Air, Water and Land Resources Quality**

**Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.**

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application with conditions, as mentioned earlier in this report. For these reasons, the proposal is consistent with Goal 6.

### **Goal 7: Areas Subject to Natural Disasters and Hazards**

**Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.**

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

**Goal 8: Recreation Needs**

**Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.**

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. The proposed development may affect existing or proposed parks or recreation facilities in as it relates to noise in a way is not anticipated by the zoning for the site. Nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is not entirely consistent with Goal 8.

**Goal 9: Economy of the State**

**Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.**

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

**Goal 10: Housing**

**Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.**

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.

**Goal 11: Public Facilities and Services**

**Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.**

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed in this report. The proposal is consistent with Goal 11.

### **Goal 12: Transportation**

**Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.**

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The Applicant has submitted a Traffic Impact Study that assessed impacts on the vicinity's street network that are anticipated due to the addition of traffic generated by the proposed use. The TIS concluded that "the transportation system can support the proposed development without mitigation." To meet transportation system-related Conditional Use approval criteria, Transportation staff require that conditions be placed on the ASTR use that require the ASTR Operator to utilize Transportation Demand Management programs, allow only the rental of single groups of up to 10 guests at a time, and require that vehicles enter and exit the site in a forward motion. Therefore, the proposal is consistent with Goal 12.

### **Goal 13: Energy**

**Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles."**

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, the proposal is consistent with Goal 13.

### **Goal 14: Urbanization**

**This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.**

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal is for the use of land consistent with its urban zoning at a location within the City Limit and the UGB; it does not change the UGB surrounding the Portland region and it does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

### **Goal 15: Willamette Greenway**

**Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.**

**Findings:** The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

**Goal 16: Estuarine Resources**

**This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."**

**Goal 17: Coastal Shore/ands**

**This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.**

**Goal 18: Beaches and Dunes**

**Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.**

**Goal 19: Ocean Resources**

**Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.**

**Findings for Goals 16, 17, 18 and 19:** Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

## **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 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.

With this Conditional Use application, the applicant has provided a written response to address the applicable development standards of Section 33.207.050 for Type B ASTRs (Exhibit A-4).

## **CONCLUSIONS**

The applicant proposes to operate a Type B ASTR facility with five guest rooms on the main and basement levels of the house. For this proposal of five bedrooms, with a limit of two people per bedroom – 10 guests total – will be required. No parties or commercial meetings will be held. Two additional bedrooms, proposed on the second floor, are not for the ASTR use but will be occupied by the site's long-term resident, who will live at the site at least 270 days per year. To further limit the intensity of the use, a condition of approval will require the ASTR to be rented to a single group at a time. This is intended to limit the potential number of vehicles coming to the site, and the number of parking spaces required. To fully satisfy transportation-related approval

criteria, the ASTR Operator must employ Transportation Demand Management programs, and all vehicles must enter and exit SW Beaverton Hillsdale Highway in a forward motion.

A condition that the house rules (including the internet listing) must note that the patios and outdoor areas be off limits from 10 pm to 7 am and limits on certain noise levels generated by the ASTR use. Nearby neighbors will be provided with current contact information for the long-term resident/ASTR Operator and management company.

Other conditions must be applied to the ASTR use to satisfy the approval criteria, including tree preservation. With conditions of approval, the proposed Type B ASTR facility meets all the applicable approval criteria and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of a Conditional Use to allow a Type B ASTR facility within the existing single-dwelling house with **a maximum of five (5) guest rooms available for ASTR** use, as shown on the approved plans, Exhibits C.1, C.2, C.3 and C.4, signed and dated December 10, 2019, and subject to the following conditions:

- A) **Prior to the start of operation of the Type B ASTR**, the ASTR Operator must satisfy the following conditions:
1. Purchase from BDS a fee-paid inspection to confirm that the requirements of Zoning Code Section 33.207.050.B.4 are met for five ASTR bedrooms.
  2. Provide to Southwest Neighborhoods Inc. and residents of properties adjacent to and across the street from the site with phone contact information (name and phone number) for the long-term resident/ASTR Operator, the property owner, and the management company. Properties include: **4736 SW Beaverton Hillsdale Hwy, 5248, 5302 and 5328 SW 49<sup>th</sup> Drive**. The ASTR Operator shall maintain paper copies of these notifications, including the list of who was notified and when, for inspection by City staff upon request.
- B) **For the duration of operation of the Type B ASTR facility**, the ASTR operator will meet the following conditions:
1. Provide rental arrangements limited to single affiliated ASTR groups of up to 10 guests only, with a maximum of 2 guests per legal bedroom at any one time, regardless of age. Renting of individual rooms to unrelated or unassociated individuals shall not be permitted.
  2. All vehicles shall enter and exit SW Beaverton-Hillsdale Highway in a forward manner.
  3. Use of all outdoor spaces by ASTR guests, including front and rear decks or porches, is prohibited between the hours of 10 p.m. and 7 a.m. all days.
  4. ASTR use on the site must not create noise impacts in violation of Portland City Title 18, Noise Control, which prohibits the following:
    - Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or
    - Operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. to be plainly audible within any dwelling unit which is not the source of sound.
  5. Commercial meetings are not allowed.
  6. The ASTR operator must amend the House Rules in Exhibit A-5 to include the Conditions B.1 through B.5 of this approval. The amended House Rules must be included in all advertisements for the ASTR facility.

7. The three existing cedar trees noted on the site plan, Exhibit C-1, must be preserved, unless determined to be dead, dying, or dangerous by a certified arborist.
8. To reduce vehicle trips associated with the proposed use the ASTR Operator must provide to all ASTR guests information regarding transit schedules, multi-modal information and maps, and car-share options.
6. The ASTR operator must maintain the House Rules, as required to be amended by this decision and conditions, for the duration of the operation of the ASTR facility. The ASTR Operator must email or mail copies of these House Rules to guests in advance of their visits. The ASTR Operator must ensure that at least one paper copy of these House Rules and Narrative be displayed prominently within a common area of the house.
7. All advertisements for the ASTR shall display prominently in the title of the advertisement the maximum number of 5 bedrooms and the maximum number of 10 people allowed per nightly rental.
8. Confirmation data from the authorized rental organization (such as Airbnb and VRBO) shall be provided to City staff upon request. Confirmation data must include the name, home address and phone number of the ASTR guests, and the dates of stay.
9. The ASTR Operator will maintain a Guest Log Book. The Guest Log Book must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.
10. On an annual basis, the ASTR operator must provide to Southwest Neighborhoods Inc. and to residents of properties adjacent to and across the street from the site with phone contact information for the long-term resident/ASTR on-site manager, the property owner, and the management company. Properties include: **4736 SW Beaverton Hillsdale Hwy, 5248, 5302 and 5328 SW 49<sup>th</sup> Drive**. The ASTR Operator shall maintain paper copies of these notifications, including the list of who was notified and when, for inspection by City staff upon request. The ASTR Operator is responsible to ensure that phone contact information remains current and neighbors are provided with updates.
11. If City staff obtains evidence that one or more of the situations described in 33.700.040.B exist for this proposal or site, the Bureau of Development Services may initiate a *Reconsideration of this Land Use Approval* per 33.700.040.

## ADMINISTRATIVE DECISION

**Staff Planner: Marguerite Feuersanger**

**Decision rendered by:**  **on December 11, 2019.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 16, 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 January 29, 2019 and was determined to be complete on July 26, 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 January 29, 2019.

*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 by the maximum 245 days (Exhibit G-3). Unless further extended by the applicant, **the 120 days will expire on: July 25, 2020.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 30, 2019** 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 Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **December 30, 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 the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

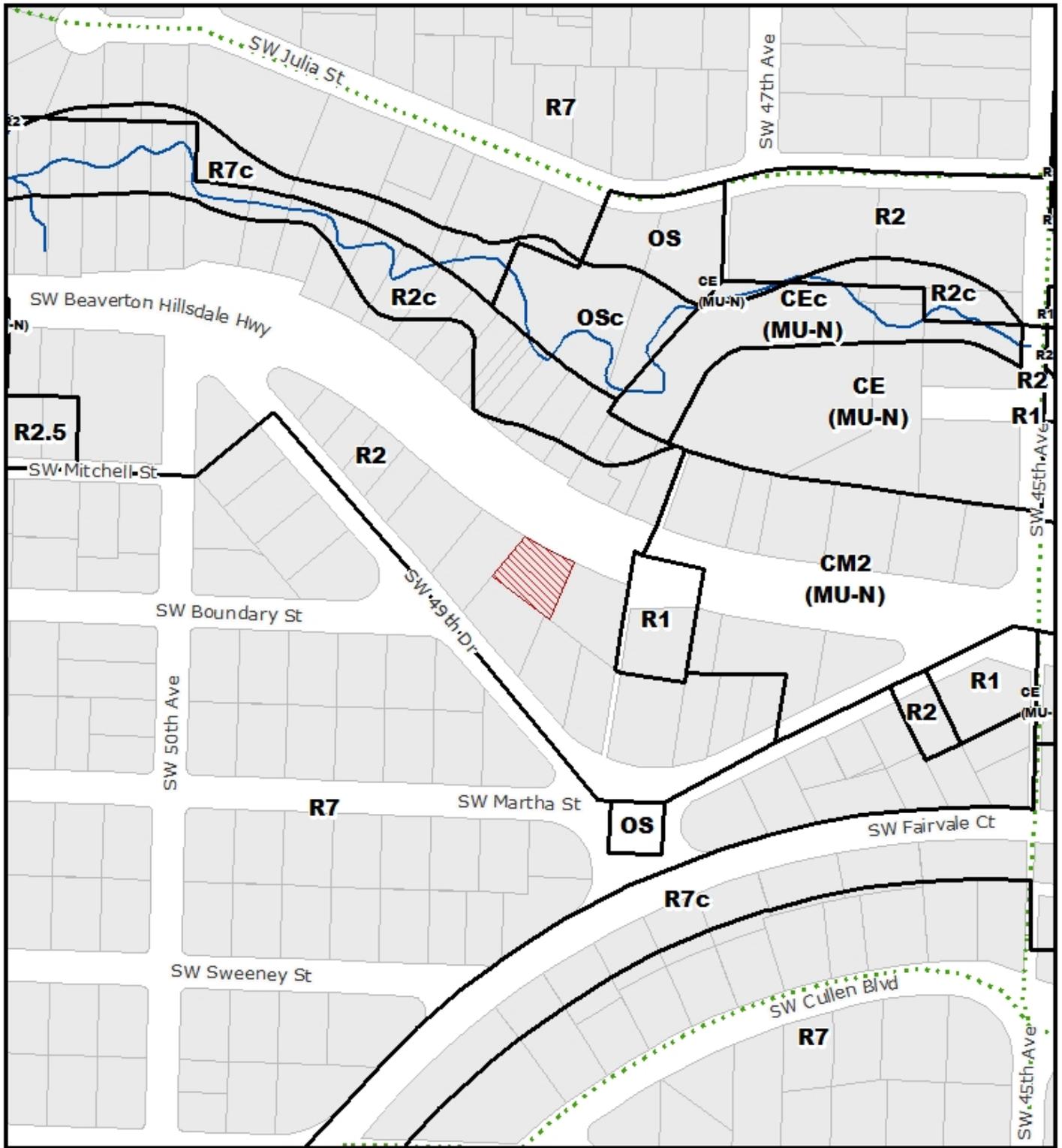
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant submittal
  1. Original Submittal, January 29, 2019
  2. Updated Submittal, June 20, 2019
  3. Traffic Impact Analysis, June 20, 2019
  4. Updated Submittal, July 8, 2019
  5. Updated House Rules, June 20, 2019
  6. Updated Documentation on Resident and Applicant, July 29, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Basement Floor Plan (attached)
  3. Main Floor Plan (attached)
  4. Second Floor Plan (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation

3. Water Bureau
  4. Fire Bureau
  5. Police Bureau
  6. Site Development Section of BDS
  7. Urban Forestry Division of the Bureau of Parks and Recreation
  8. Life Safety Residential Plan Review of BDS
- F. Correspondence:
1. Heather Chrisman, concern about adequate supply of parking on the site, August 8, 2019
  2. Gary A. Hoselton, in support of the proposal with conditions about noise and lighting, August 14, 2019
- G. Other:
1. Original Land Use Review Application
  2. Incompleteness determination letter, February 7, 2019
  3. Applicant Request for Extension of 120-day Review Period, October 23, 2019
  4. Map of Approved ASTRs within 400 feet of the Subject Site

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



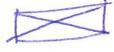
# ZONING

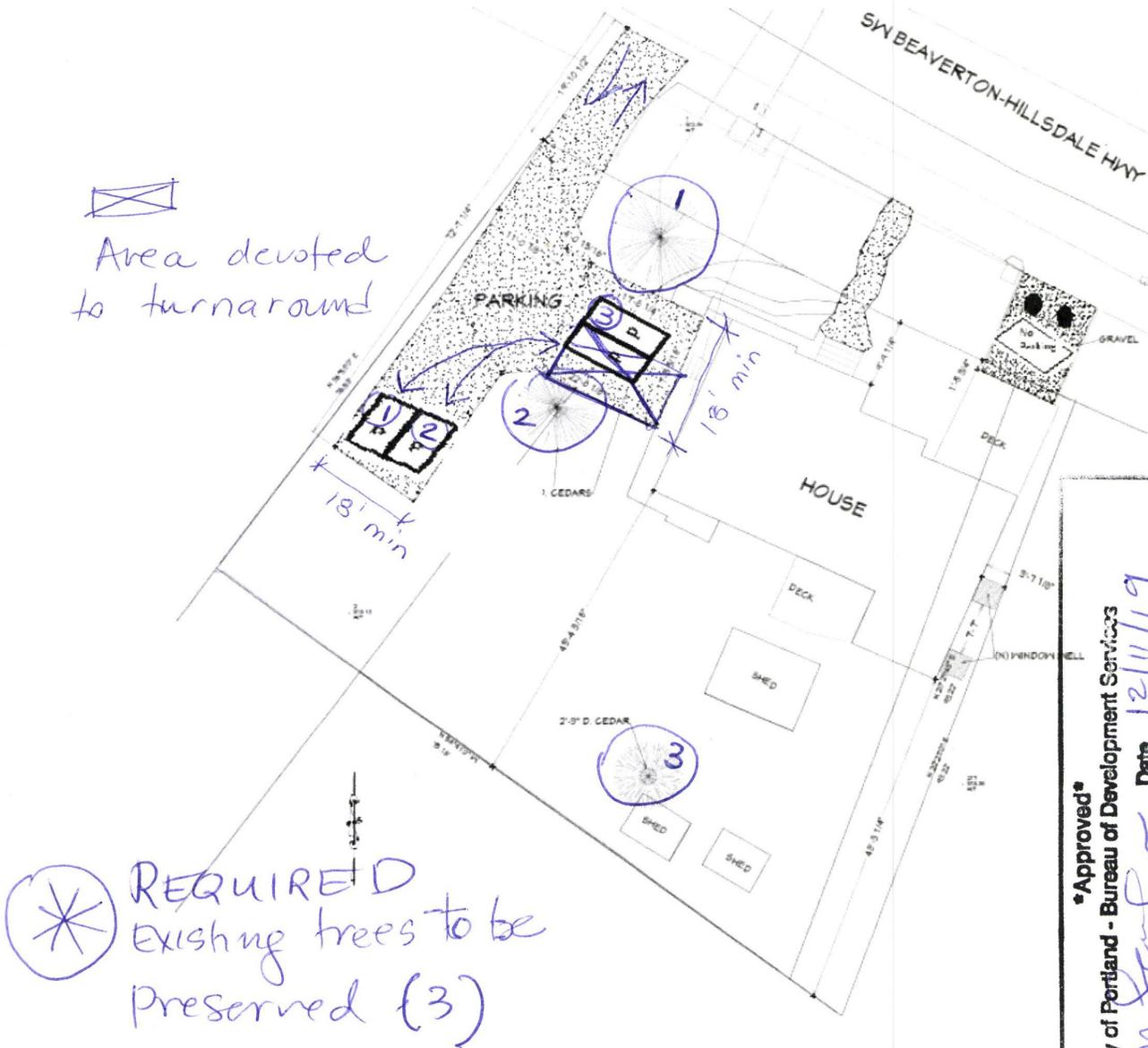


-  Site
-  Stream
-  Recreational Trails

File No.	LU 19-113306 CU
1/4 Section	3524
Scale	1 inch = 200 feet
State ID	1S1E18AD 3200
Exhibit	B Jan 31, 2019

# 4756 ASTR On-Site Parking Plan

 Area devoted to turnaround



 **REQUIRED**  
Existing trees to be  
Preserved (3)

\* Approved\*  
City of Portland - Bureau of Development Services  
Date 12/11/19  
Approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- Existing trees to remain/be preserved.
- Maximum 3 parking spaces on site.
- Vehicles must enter and exit in forward motion.

rec. 6/20/19



SITE PLAN

4756 SW Beaverton-Hillsdale Hwy

EXHIBIT C-1  
19.11306 CU

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

Date 12/11/19

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

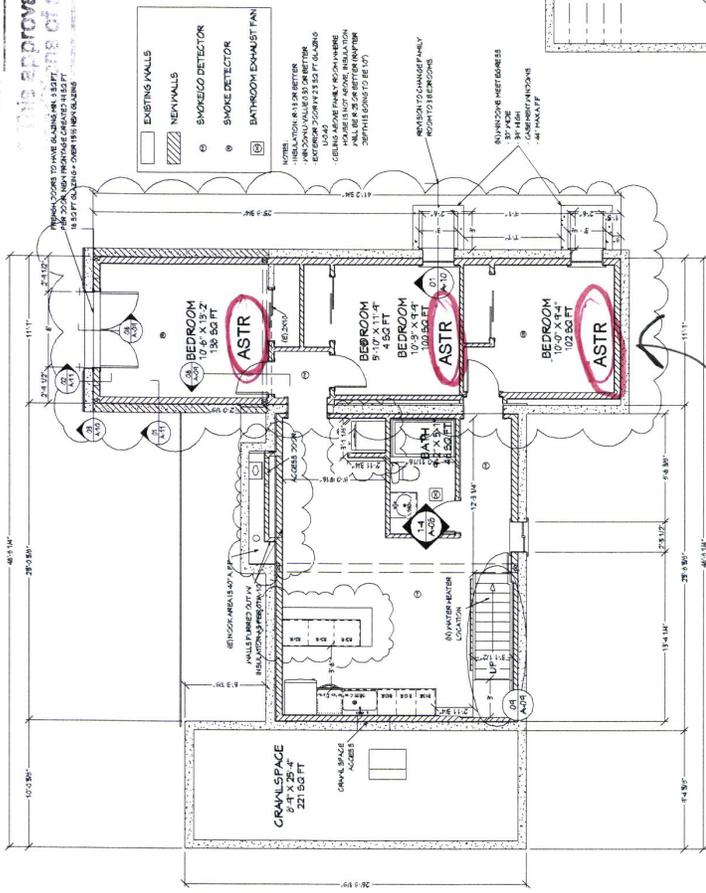
05  
A

DATE: 7/5/2018  
 SCALE: 1/4" = 1'-0"

SHEET TITLE: PROPOSED BASEMENT FINAL

PROJECT DESCRIPTION: 4756 SW BEAYTON- HILSDALE HWY PORTLAND OR 97221

CONTRACTOR: SAB DESIGN AND DRAFTING LLC  
 DRAWINGS PROVIDED BY:



- EXISTING WALLS
- NEW WALLS
- SMOKE DETECTOR
- SMOKE DETECTOR
- BATHROOM EXHAUST FAN

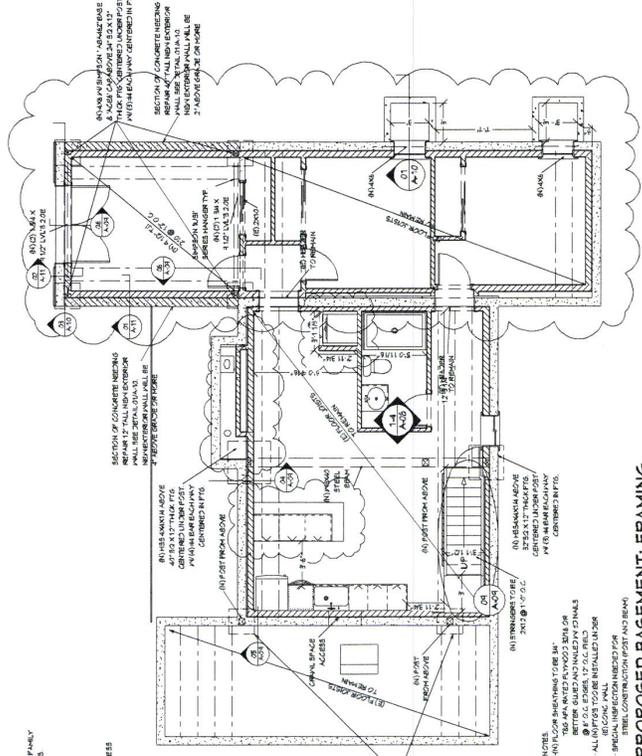
NOTE:  
 - INSULATION R-13 PER BEST PRACTICES  
 - EXTERIOR DOOR TO BE 2x4 SILLING  
 - CEILING SHALL BE 5/8" MIN. INSULATION  
 - CEILING SHALL BE 2x4 SILLING  
 - 200 THIS ROOM TO BE 10'

REVISION TO EXISTING FAMILY ROOM TO BE 10'

REVISION TO EXISTING BATHROOM TO BE 10'

REVISION TO EXISTING HALLWAY TO BE 10'

REVISION TO EXISTING CRAWLSPACE TO BE 10'



3 BEDROOMS FOR ASTR USE.

rec 7/8/19

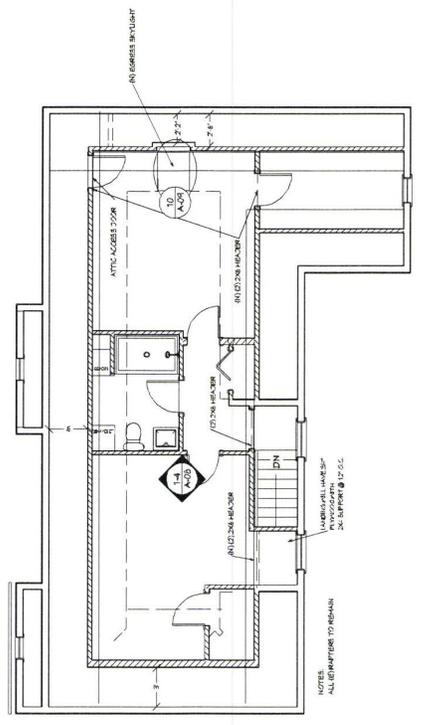
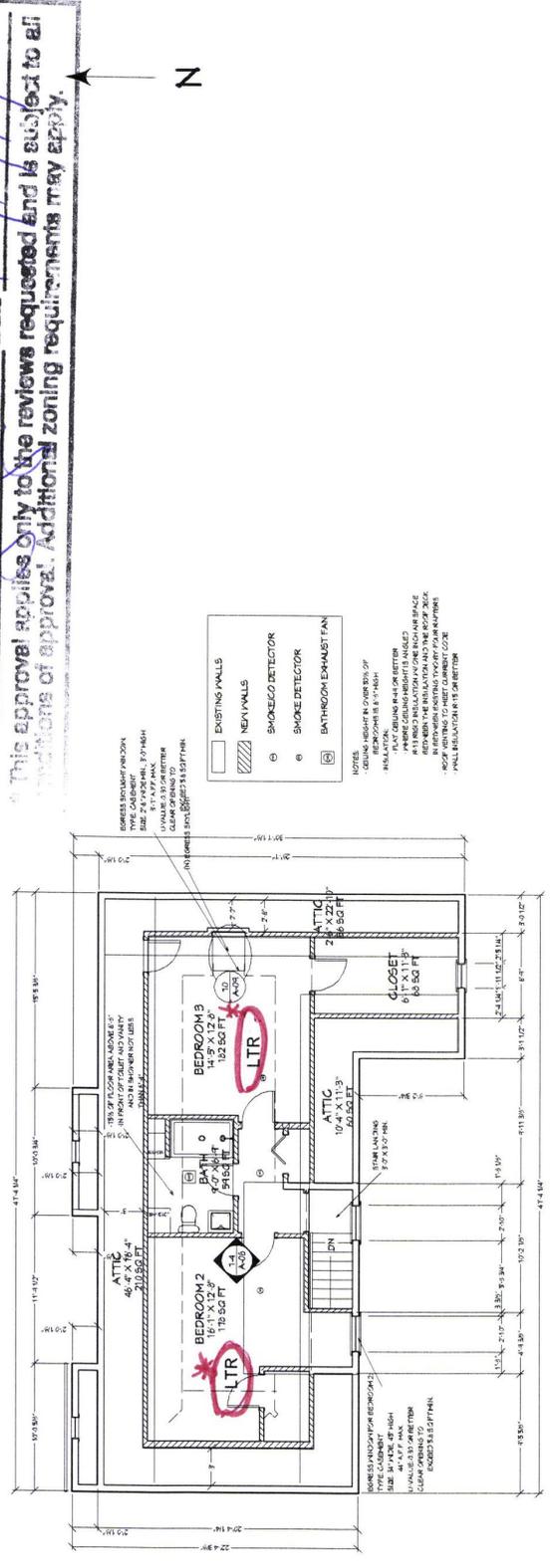
BASEMENT FLOOR PLAN

EXHIBIT C.2  
 19-113306 CU



**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Date 12/11/19  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CONTRACTOR:	SAB DESIGN AND DRAFTING LLC
PROJECT DESCRIPTION:	4756 SW BEAVERTON - HILSDALE HWY - PORTLAND OR 97221
SHEET TITLE:	PROPOSED: 2ND FLOOR
SCALE:	3/8" = 1'-0"
DATE:	7/5/2018



\* LTR = Long Term Resident, residing at site for at least 270 days per year. NO ASTR USE on 2nd Floor.

EXHIBIT C-4  
 19-118306 CU