



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

Dan Ryan, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** December 6, 2022  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-865-6715 / [David.Besley@portlandoregon.gov](mailto:David.Besley@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 22-182590 AD**

#### **GENERAL INFORMATION**

**Applicant:** Dave Spitzer  
Dms Architects  
2325 NE 19th Ave  
Portland OR 97212  
Phone: 503.335.9040  
Email: [dave@dmsarchitects.com](mailto:dave@dmsarchitects.com)

**Owner:** Matthew Packwood  
4810 SE Raymond St  
Portland, OR 97206

**Site Address:** 4810 SE RAYMOND ST

**Legal Description:** TL 2800 0.23 ACRES, SECTION 18 1S 2E  
**Tax Account No.:** R992181550  
**State ID No.:** 1S2E18BD 02800  
**Quarter Section:** 3535

**Neighborhood:** Woodstock, contact Thatch Moyle or Les Szigethy at [luc@woodstockpdx.org](mailto:luc@woodstockpdx.org)

**Business District:** Woodstock Community Business Association, contact at <http://www.woodstockbiz.com>

**District Coalition:** Southeast Uplift, contact Matchu Williams at [matchu@seuplift.org](mailto:matchu@seuplift.org)

**Zoning:** R5 (Single-Dwelling Residential 5,000)  
**Case Type:** AD (Adjustment Review)  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant is proposing to convert an existing detached garage into an Accessory Dwelling Unit (ADU) and build a 215 square foot addition on the south side. While the existing structure is only 1 foot – 7 inches from the east lot line, the outer wall of the addition is proposed to be 5 feet – 8 inches from the east lot line, exceeding the minimum 5-foot building setback requirement.

The Portland Zoning Code requires that the building coverage of a detached accessory structure not be greater than the building coverage of the smallest primary structure or 900 sq. ft., whichever is greater (Section 33.110.245.C.3.b). The existing primary dwelling has 832 sq.ft. of building coverage and the ADU is proposed to have 998 sq.ft. of building coverage. An Adjustment is therefore requested to allow the ADU's building coverage to exceed the maximum 900 sq.ft. detached accessory structure building coverage by 98 sq.ft.

The Portland Zoning Code requires a maximum ADU living area of 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less (Section 33.205.040.C.2). Because the existing primary dwelling has about 1,180 square feet of living area, the applicant is requesting an Adjustment to increase the maximum ADU living area from 800 square feet to 930 square feet.

**Relevant Approval Criteria:**

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 9,900 square foot site is located at the intersection of SE Raymond Street and SE 48<sup>th</sup> Avenue, on the south side of SE Raymond Street. The relatively flat site is currently developed with a 1,232 square foot 1.5-story residence with an approximately 783 square foot detached garage. The surrounding vicinity is developed with primarily 1 and 2-story single-dwelling residences.

**Zoning:** The R5 zone is a single-dwelling zone that is 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 and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

**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 **October 20, 2022**. The following Bureaus have responded:

- The Life Safety Review Section of the Bureau of Development Services (BDS) responded with no concerns regarding the Adjustment review, and included building permit submittal requirements (Exhibit E.1); and
- The Bureau of Environmental Services (BES) responded with no concerns regarding the Adjustment review (Exhibit E.2).

The following Bureaus have responded with no concerns (Exhibit E.3):

- Bureau of Transportation Engineering and Development Review;
- The Site Development Review Section of BDS;
- The Fire Bureau; and
- The Water Bureau.

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

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown 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:** The applicant is proposing to convert an existing detached garage into an ADU and build a 215 square foot addition on the south side, which requires two Adjustments to increase the maximum detached accessory structure building coverage allowance from 900 sq.ft. to 998 sq.ft. and increase the maximum ADU living area allowance from 800 square feet to 930 square feet. The relevant purpose statements and responses are below.

#### **33.110.245 Detached and Connected Accessory Structures**

*This section regulates detached and connected structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of these structures, promote compatibility of design for larger structures, provide for necessary access around larger structures, help maintain privacy between abutting lots, and maintain open front setbacks.*

The proposed ADU is located behind the primary dwelling and over 58 feet from the street lot line to the north, thereby maintaining open front setbacks. It will also be partially obscured by the primary dwelling when viewed from the street. The ADU has a proposed height of only 9 feet – 7 inches, which is less than half of the allowed 20-foot height limit for detached accessory structures. The ADU will be one story and have a lower profile/height from the 1.5-story primary dwelling. The garage, which is proposed to be converted, is already legally existing and the proposed addition is on the southwest corner; the addition will therefore not be visible when viewed from the public right-of-way (SE Raymond Street).

As noted in the description above, while the existing structure is only 1 foot – 7 inches from the east lot line, the outer wall of the addition is proposed to be 5 feet – 8 inches from the east lot line, exceeding the minimum 5-foot building setback requirement. Access to the structure will be via the south and west, and there are no windows or doors proposed on the east elevation. Privacy to the neighbor closest to the structure (to the east) will therefore be maintained.

*This criterion is met.*

#### **33.205.010 Accessory Dwelling Units – Development Standards**

*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 primary dwelling units; and**
- *Provide adequate flexibility to site buildings so that they fit the topography of sites.*  
**(applicable purposes in bold)**

Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;

Desired Character is a defined term in 33.910.030:

*“Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.”*

The site is in the R5 zone and in the boundary of the Woodstock Neighborhood Plan. The purpose statement of the single-dwelling zones 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 and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood.”*

The proposal is for a new ADU that provides an additional infill housing opportunity in the R5 zone. With the proposed ADU being a single-story, smaller than the primary dwelling unit in terms of living area and height, located over 58 feet from the street lot line, and behind (and partially obscured by) the primary house, the proposed ADU is compatible with the scale of the surrounding neighborhood.

A review of the Woodstock Neighborhood Plan policies found 2 applicable policies:

- *Policy 16: Improve and add to the supply of housing in the Woodstock Neighborhood. Ensure a mix of housing types to serve Woodstock's diverse population and a variety of household types (p. 94).*
- *Policy 17: Encourage infill housing designs that create a pedestrian friendly streetscape (p. 95).*

The ADU is an additional infill unit, which adds to the supply of housing and housing types in the Woodstock neighborhood. The proposal is therefore consistent with the identified and applicable policies of the Woodstock Neighborhood Plan.

Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;

As noted above, the proposed ADU is located behind the primary dwelling and over 58 feet from the street lot line to the north, thereby maintaining an open front yard. It will also be partially obscured by the primary dwelling when viewed from the street. The single-story ADU has a proposed height of only 9 feet – 7 inches, and will thus be lower than the 1.5-story primary dwelling. The garage, which is proposed to be converted, is already legally existing and the proposed addition is on the southwest corner; the 215 sq.ft. addition is relatively small and will not be visible when viewed from the street. The addition is proposed to be 5 feet – 8 inches from the east lot line, exceeding the minimum 5-foot building setback requirement. As such, the proposal respects the building scale and placement of ADUs.

Ensure that accessory dwelling units are smaller in size than primary dwelling units;

The primary dwelling unit has a partial second story, while the ADU is a single story. Additionally, the primary dwelling is larger in terms of overall living area (1,180 square feet of living area for the primary dwelling while the ADU is proposed to have 930 square feet). As such, the proposed ADU will be smaller in overall size than the primary dwelling unit.

*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:** The subject lot is in the R5 zone, a single-dwelling residential zone, and is in a neighborhood with a mix of primarily 1 and 2-story single-dwelling residences with many single-story detached accessory structures. Staff found the proposed ADU is consistent with the scale and placement of accessory buildings in the single-dwelling zones under Finding A. As such, the proposed ADU will not impact the appearance of the residential area. Livability is not a defined term but generally addresses privacy. Because the additional portion of the ADU is not within the required setbacks and the east façade (closest to the property line) has no doors or windows, privacy to the neighbor closest to the structure (to the east) will be maintained.

*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:** The overall purpose of the R5 zone is to preserve land for housing, and to provide housing opportunities for individual households. Development standards in single-dwelling zones work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The proposed addition will serve the purpose of the R5 zone by allowing an additional housing unit. As noted above, the proposed addition is consistent with the development pattern in this area. Based on the findings included in response to approval criteria A and B above, the project is consistent with the overall purpose of the 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 Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

**Findings:** No adverse impacts have been identified for which mitigation would be required.

*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 Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, this criterion is not applicable.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of

Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The applicant is proposing to convert an existing detached garage into an ADU and build a 215 square foot addition on the south side, which requires two adjustments to allow the ADU's building coverage to increase the maximum detached accessory structure building coverage allowance from 900 square feet to 998 square feet and to increase the maximum ADU living area allowance from 800 square feet to 930 square feet.

The proposed ADU is located behind the primary dwelling and over 58 feet from the street lot line to the north, thereby maintaining open front setbacks. It will also be partially obscured by the primary dwelling when viewed from the street. The ADU has a proposed height of only 9 feet – 7 inches, which is less than half of the allowed 20-foot height limit for detached accessory structures. The garage, which is proposed to be converted, is already legally existing and the proposed addition is on the southwest corner; the addition will therefore not be visible when viewed from the street.

While the existing structure is only 1 foot – 7 inches from the east lot line, the outer wall of the addition is proposed to be 5 feet – 8 inches from the east lot line, exceeding the minimum 5-foot building setback requirement. Access to the structure will be via the south and west, and there are no windows or doors proposed on the east elevation. Privacy to the neighbor closest to the structure (to the east) will therefore be maintained.

The primary dwelling unit has a partial second story, while the ADU is a single story. Additionally, the primary dwelling is larger in terms of overall living area (1,180 square feet of living area for the primary dwelling while the ADU is proposed to have 930 square feet). As such, the proposed ADU will be smaller in overall size than the primary dwelling unit. The ADU is an additional infill unit, which adds to the supply of housing and housing types in the Woodstock neighborhood. The proposal is therefore consistent with the identified and applicable policies of the Woodstock Neighborhood Plan.

The overall purpose of the R5 zone is to preserve land for housing, and to provide housing opportunities for individual households. The proposed addition will serve the purpose of the R5 zone by allowing an additional housing unit, and is therefore consistent with the overall purpose of the zone. No adverse impacts have been identified for which mitigation would be required. The proposal meets the applicable approval criteria and should be approved.

## **ADMINISTRATIVE DECISION**

Approval of two Adjustments to

1. increase the maximum detached accessory structure building coverage allowance from 900 square feet to 998 square feet (Section 33.110.245.C.3.b); and
2. increase the maximum ADU living area allowance from 800 square feet to 930 square feet (Section 33.205.040.C.2)

to convert an existing detached garage into an ADU and build a 215 square foot addition on the south side, per the approved site plan and elevation drawings, Exhibits C.1 through C.2, signed and dated November 22, 2022, subject to the following condition:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 22-182590 AD. No field changes allowed."

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on November 22, 2022.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 6, 2022**

**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 September 13, 2022, and was determined to be complete on October 10, 2022.

*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 September 13, 2022.

*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: February 7, 2023.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 20, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s

boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **December 20, 2022** 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.

**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.

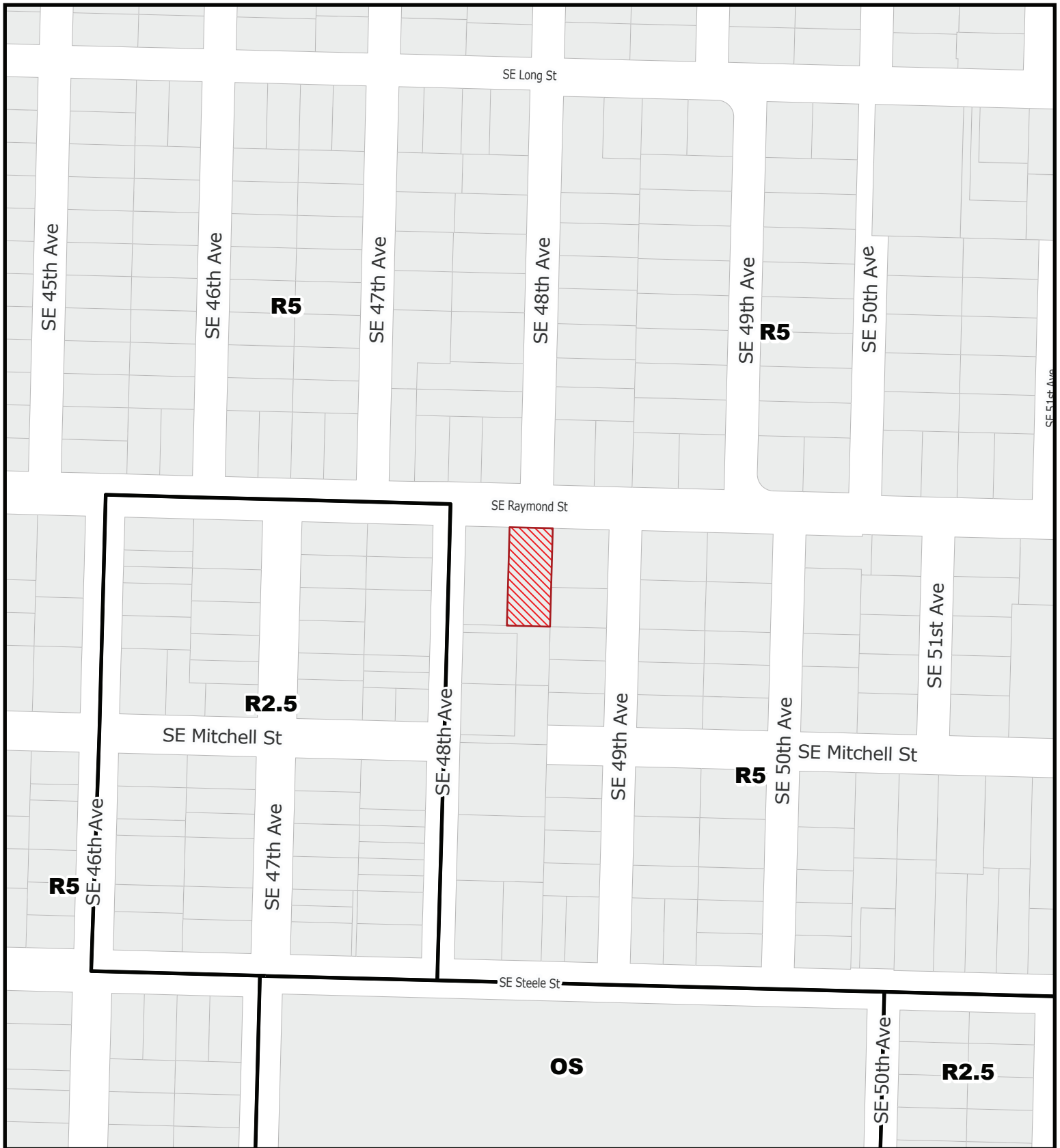


**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation Drawings (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Section of BDS
  - 2. Bureau of Environmental Services
  - 3. Bureaus responding with no concerns (Bureau of Transportation Engineering and Development Review, Site Development, Fire, and Water Bureaus)
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incompleteness determination letter, dated September 23, 2022

**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).**



For Zoning Code in effect Post August 1, 2021

**ZONING** 

 Site

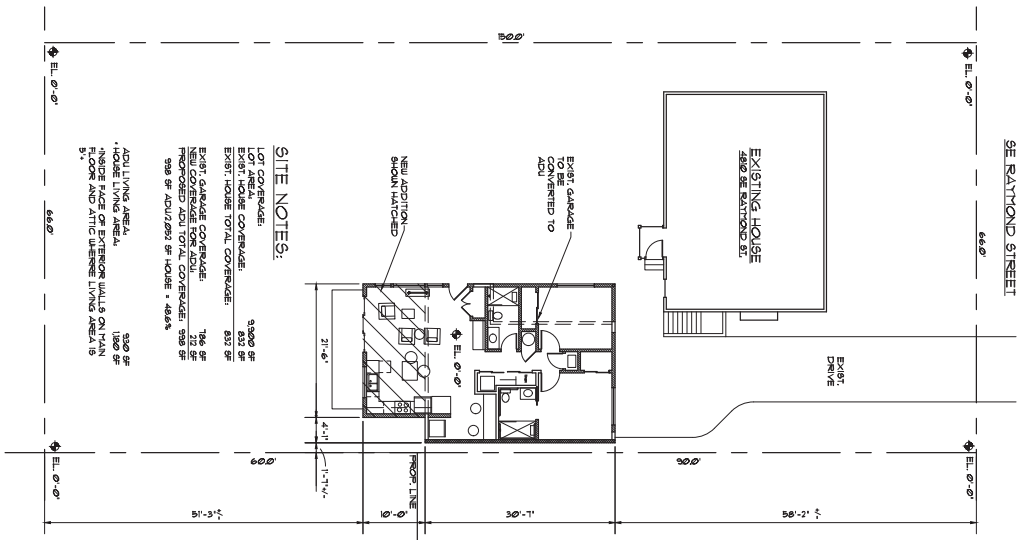
File No.	<u>LU 22 - 182590 AD</u>
1/4 Section	<u>3535</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E18BD 2800</u>
Exhibit	<u>B</u> <u>Sep 13, 2022</u>



OVERALL SITE PLAN



1" = 10'-0"

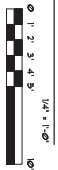


SITE NOTES:

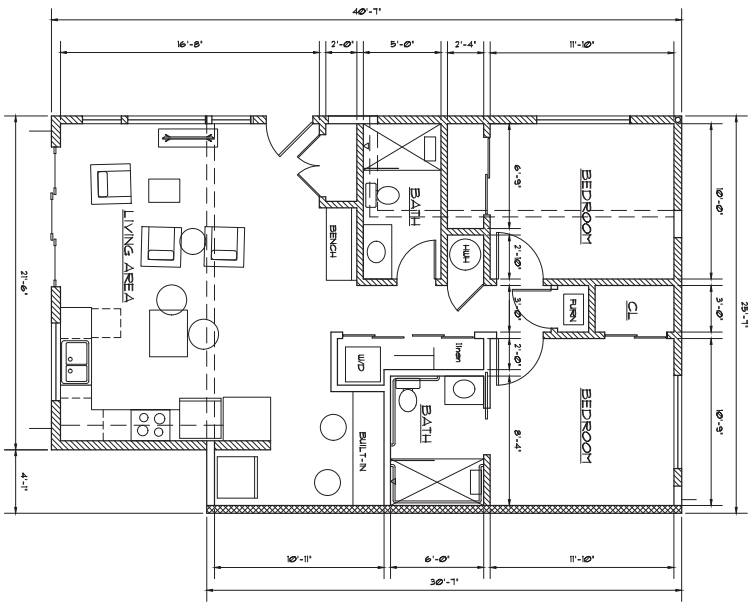
- LOT COVERAGE: 9,800 SF
- EXIST'G HOUSE COVERAGE: 833 SF
- EXIST'G HOUSE TOTAL COVERAGE: 833 SF
- EXIST'G GARAGE COVERAGE: 144 SF
- NEW COVERAGE FOR ADU: 72 SF
- PROPOSED ADU TOTAL COVERAGE: 216 SF
- 989 SF ADU/2093 SF HOUSE + 4846 SF
- ADU LIVING AREA: 350 SF
- HOUSE FACE OF EXTERIOR WALLS ON PLAN: 1380 SF
- ADU AND ATTIC STAIRS LIVING AREA IS: 5100 SF



FLOOR PLAN



1/4" = 1'-0"

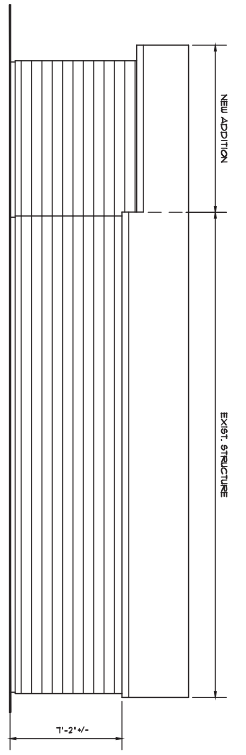


\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner **David Besley**  
 Date **11/22/22**

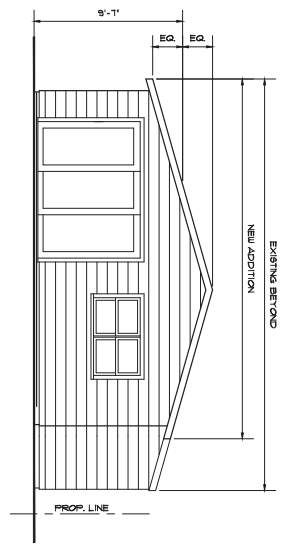
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exh. C.1  
 LU 22-182590 AD

SHEET A1 of 2	DATE 9-12-22	REVISIONS	DMS CHECKED	BRAM	JOB No. 000016	SHEET CONTENT SITE PLAN FLOOR PLAN	2325 NE 15TH AVE. PORTLAND, OR 97212 OFFICE 503 335 0040 FAX 503 335 0040 BAA@GISHARDIRECTORS.COM	
	PACKWOOD ADU 4810 SE RAYMOND STREET PORTLAND, OREGON							

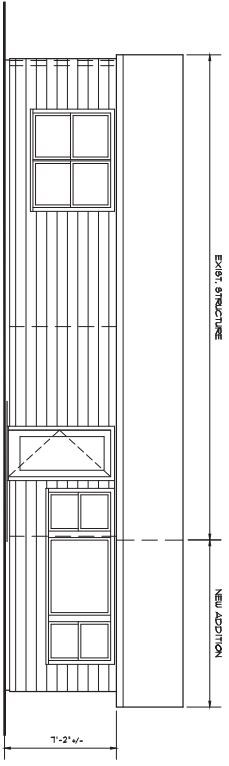


1 EAST ELEVATION  
A2  
1/4" = 1'-0"

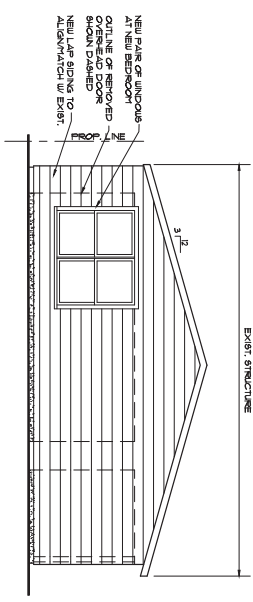


2 SOUTH ELEVATION  
A2  
1/4" = 1'-0"

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner **David Besley**  
 Date **11/22/22**  
 \*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



3 WEST ELEVATION  
A2  
1/4" = 1'-0"



4 NORTH ELEVATION  
A2  
1/4" = 1'-0"

LU 22-182590 AD Exh. C.2

SHEET	A2 of 2
JOB No.	000016
DATE	9-12-22
DESIGNED BY	DMS
CHECKED BY	DMS
REVISIONS	

SHEET CONTENT  
EXTERIOR ELEVATIONS

PACKWOOD ADU

4810 SE RAYMOND STREET  
PORTLAND, OREGON

2325 NE 19TH AVE.  
PORTLAND, OR 97212  
OFFICE 503 335 9840  
GAY@DMSARCHITECTS.COM

