



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

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**FINAL FINDINGS AND DECISION BY THE HISTORIC  
LANDMARKS COMMISSION RENDERED ON May 22,  
2023**

**CASE FILE NUMBER: LU 23-017670 HDR**

**Conservation Landmark Designation**

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Hillary Adam 503-823-8953 /  
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The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

**GENERAL INFORMATION**

**Applicant:** Tonya Nichols & Ronald Walters  
290 SW Birdshill Rd  
Portland, OR 97219

**Owner:** Tonya Nichols  
290 SW Birdshill Rd  
Portland, OR 97219

**Site Address:** 2069 NW OVERTON ST

**Legal Description:** BLOCK 289 LOT 13, COUCHS ADD  
**Tax Account No.:** R180229770  
**State ID No.:** 1N1E33BA 01000  
**Quarter Section:** 2927

**Neighborhood:** Northwest District, contact Greg Theisen at  
[planningchair@northwestdistrictassociation.org](mailto:planningchair@northwestdistrictassociation.org)

**Business District:** Northwest Portland, contact at [nobhillportland@gmail.com](mailto:nobhillportland@gmail.com).

**District Coalition:** Neighbors West/Northwest, contact Darlene Urban Garrett at  
[darlene@nwnw.org](mailto:darlene@nwnw.org)

**Plan District:** Northwest  
**Other Designations:** None

**Zoning:** RM4d – Residential Multi-Dwelling 4 with Design overlay

**Case Type:** HDR – Historic Designation Review  
**Procedure:** Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

**Proposal:**  
Type III Historic Designation Review to designate the property at 2069 NW Overton Street as a Conservation Landmark at the request of the owner. The proposed resource is a 2 1/2 story wood framed structure constructed in 1902 in Craftsman Style sited on a 5,000 SF lot in the Northwest Plan District. A Conservation Landmark is a type of historic resource designation to signify a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit.

Historic Designation Review is required to designate the property as a Conservation Landmark.

**Relevant Approval Criteria:**  
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.030.D Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject property is located on the north side of NW Overton Street, just east of NW 21<sup>st</sup> Avenue, and is oriented south. The property is 5,000sf and contains a 2-½-story structure constructed in 1902 as a residence in the American Tudor style and features gabled roofs and mock half-timbering. Other features include a projecting front gable end with bargeboards, pendant and finial, as well as polygonal bays on the front and side elevations. Some alterations have been made to the property since its construction including the addition of dormers and a fire escape in 1924, a partial enclosure of the front porch in 1930, and internal conversion to three units as well as a recent reversion back to a single dwelling. The neighboring house at 2057 NW Overton is an almost identical twin of this building, built at the same time. The subject property and its twin are both identified as Significant Resources on the City's Historic Resources Inventory (HRI).

To the immediate west of the site is a small surface parking lot and 3-½-story 1914 apartment building designed by Clausen & Clausen meeting the corner of NW Overton and NW 21<sup>st</sup>, also listed as a Significant Resource on the HRI. North of that is a surface parking lot surrounding a 2-story mixed-use building that includes Joe's Cellar Bar which holds the corner. Immediately east, beyond the twin residence, is a 2-story 8-unit condo building built in 1925. North of the subject property are some converted 1-story warehouse spaces that include creative offices and Cycle Dog, a dog park and tavern. To the north, beyond NW Pettygrove, is the Con-way Master Plan area – a large multi-block area that has been redeveloped with residential and mixed-use buildings over the past ten years. Across NW Overton, to the south, are 1-½- and 2-story residential buildings with 4-8 units and a larger 4-story apartment building built in 1911 that is also on the HRI. The overall surrounding area is a mix of residential, mixed-use, retail, creative office, and institutional uses of various scales and vintages.

**Zoning:** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

**Land Use History:** City records indicate the prior land use reviews for this site:

- LU 84-001800/ LU 84-100066 (ref. file: CU 041-84) – Conditional Use approval to use the first floor of the existing residential structure for classrooms.
- LU 86-003700 (ref. file: CU 109-86) – Conditional Use approval amending condition of prior approval to increase number of students.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed **May 1, 2023**. The following Bureaus have not yet responded:

- Bureau of Transportation Engineering
- Water Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 1, 2023**.

Four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Mark Stromme, on April 23, 2023, wrote in support.
2. Philip R. Selinger, on April 23, 2023, wrote in support.
3. Don Singer, on April 24, 2023, wrote in support.
4. Dan Anderson, on April 28, 2023, wrote in support.
5. Cheri Ceridwen, on May 6, 2023, wrote in support.
6. Julius Woythaler & Kristi Elong-Woythaler, on May 10, 2023, wrote in support.

## **ZONING CODE APPROVAL CRITERIA**

### **33.846.030 Historic Designation Review**

#### **Purpose of Historic Designation Review**

Historic Designation Review allows the City of Portland to designate Historic Landmarks or Conservation Landmarks, expand the boundaries of Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts, and to designate resources as contributing resources within a Historic Landmark, Conservation Landmark, Historic District,

or Conservation District. This review does not affect a resource's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Ensuring underrepresented histories are recognized and protected;
- Fostering preservation and reuse of historic artifacts, structures, sites, objects, places, and districts as important parts of the region's fabric;
- Encouraging new development to sensitively incorporate historic resources and artifacts; and
- Applying an appropriate level of protection to historic resources at the time of City designation.

**Findings:** The applicant has applied for Historic Designation Review to designate the site as a Conservation Landmark.

### **Historic Designation Review Approval Criteria**

Proposals to designate a historic resource as a Conservation Landmark will be approved if the review body finds that all of the following approval criteria are met.

- 1. Significance.** The resource has significant archaeological, cultural, historical, or architectural value. For proposals to designate a Historic Landmark or Conservation Landmark, designate a resource as a contributing resource in an existing Historic District or Conservation District, or expand the boundary of an existing Historic Landmark, Conservation Landmark, Historic District or Conservation District, at least one of the following must be met.
  - a. The resource is associated with at least one event that has made a significant contribution to one or more broad patterns of local, regional, state, or national history;
  - b. The resource is associated with the life of at least one person significant to local, regional, state, or national history;
  - c. The resource possesses at least one distinctive characteristic of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction;
  - d. There is a high likelihood that, if preserved, the resource would yield information important in local, regional, state, or national history;
  - e. If the proposal is to designate a Conservation Landmark or Conservation District, the resource is associated with at least one event or pattern that is architecturally, culturally, or historically significant to the neighborhood or community with which the resource is associated; or
  - f. The resource has a significant association with at least one underrepresented community, cultural, or ethnic group.

**Findings:** The applicants have chosen to respond to criteria "b" and "c".

With regard to criterion "b", the applicants have stated the following:

*The resource is associated with several people and families significant to Portland's history. The property was built by Clementine Freeman Lewis, daughter of famed Captain John H. Couch, a prominent Portland pioneer for whom NW Couch Street and Couch Park are named in the NW Alphabet District. Mrs. Lewis was the wife of Cicero Hunt Lewis, also a Portland pioneer, who lived to be one of Oregon's best-known and wealthiest Portland merchants and citizens of the time.*

*In 1872, Caroline E. Flanders Couch, wife of Captain Couch, deeded lots 1-18 on Block 289 to Mrs. Lewis, her second daughter. In 1902, Mrs. Lewis, began construction of the resource (originally 667 Overton Street) in the lead-up to the Lewis & Clark Centennial Exposition in the summer of 1905. The resource was part of Portland's explosive growth that followed the Exposition.*

*In addition to the close association with Captain and Mrs. Couch and Mr. and Mrs. Cicero Lewis, the resource had direct ties to other persons significant to local history during its time of historical relevance in the early 1900's. According [to] advertisements and articles in the Oregonian, from 1905 to 1907, the property was occupied by Alfred J. Bingham and his wife Kate Bingham. At the time, Mr. Bingham was a well-known building contractor whose firm helped build parts of nearby Good Samaritan Hospital, the Portland Armory, and the Hotel Portland.*

*A decade later, in 1915, the property was occupied by Mr. and Mrs. Fred F. Pittock, the son of Henry Pittock, the long-time publisher of the Portland Oregonian and the builder of the now famous Pittock Mansion. According [to] the birth announcement printed in the Oregonian, Henry Pittock's grandson was born while the Pittocks lived at the property.*

With regard to criterion "c" the applicants have stated the following:

*The property is representative of the construction style and materials prevalent in the Slabtown neighborhood in the late 1800's and early 1900's. The resource exhibits a classic American Tudor style, with distinctive half timbering. It displays a steep, gabled 12/12 roof with barge boards and large decorative pendant and finial at the gable end. It is stylistically consistent with other homes designed by prolific NW Portland architect Emil Schacht but the architect for the resource is unknown.*

*The construction materials are predominantly fir, cedar, and other milled woods available locally when the resource was built in 1902. The joists are actual 2x12 boards that extend the entire width of the house, or more than 24 feet. Some of the original lath and plaster walls and ceilings remain in use.*

*The resource was built at the same time as its "twin" at 2057 NW Overton Street. The design is a mirror image of the neighboring property.*

Clementine Freeman Lewis was one of the first 1000 pioneers of European descent to arrive in Portland in the year 1852, having traveled by train, boat, and mule. Per her obituary she was a generous philanthropist with various recipients, notably Good Samaritan Hospital which received funds from Mrs. Lewis to build an addition as a memorial to her husband Cicero Hunt Lewis. With him she had eleven children.

It appears the house was built for investment purposes and as early as 1913 was advertised with boarding rooms for rent, thus it is representative of the density and general popularity of this neighborhood following the Lewis & Clark Centennial Exposition and throughout the following decades. With the property serving as multi-dwelling housing for over a hundred years, additional significance could be discovered via association through its multitude of tenants beyond those already known to have inhabited here; however, it is significant primarily for its association with Clementine Freeman (Couch) Lewis, one of Portland's early pioneers. The applicants have proposed that the period of significance be 1902-1915 to capture the time that the Pittocks lived on the property, however, staff suggested that the period of significance could be limited to 1902 to place extra significance on Mrs. Lewis's association and her initiative to build, not one but, two adjacent homes in the style of the day at this location.

At the hearing on May 22, 2023, Commissioner Minor argued that the property was more significant due to its architecture, which is visually evident, than to its association with Clementine Freeman Lewis, which is not supported by original source information in the record. Commissioner Davis noted that it was likely that property owned and developed by a woman was not a common occurrence when this property was developed and that is likely significant, however, it was also noted there is not enough information in the record to support this theory. The Commission noted that additional information could be provided linking the resource to Mrs. Lewis and to the anticipation of the Lewis and Clark Centennial Exposition to bolster these associations. It was also noted that additional information could be provided related to the prevalence (or lack thereof) of women owning and developing property in the early 1900s to expand upon the potential significance of this aspect of the property. However, the Commission determined, because the building was constructed in a particular American Tudor style, popular at the time of its construction and that style is evident in the extant building today, the primary significance of the building is tied to criterion “c”, with criterion “b” serving as a potential source of secondary significance. To clarify this, the Commission added a condition clarifying the property’s significance.

***With the condition that the significance of the property is primarily dependent on criterion 1.c, but there is also potential significance based on criterion 1.b, this criterion is met.***

- 2. Integrity.** The resource has retained physical and associative features from the period of historic significance. For proposals to designate a Conservation Landmark or Conservation District, at least three of the following must be met.
- a. The resource remains in the exact location as during the period of historic significance;
  - b. The resource retains sufficient design elements to convey an association with the period of historic significance;
  - c. The overall configuration of the resource and its surroundings is generally unchanged since the period of historic significance;
  - d. The resource’s materials are generally unchanged since the period of historic significance or, if changed, have been replaced in kind;
  - e. The resource retains expressions of craft from the period of historic significance;
  - f. Sufficient artistic, spatial, or intangible elements from the period of historic significance remain to convey the significance of the resource; or
  - g. The cumulative features of the resource, as described by D.2.a through f, are together sufficient to convey an association with the resource’s significance.

**Findings:** The applicants have chosen to respond to criteria “a”, “b”, “c”, “e”, “f”, and “g”.

With regard to criterion “a”, the applicants have stated:

*The resource remains in the exact location it was built in 1902. In addition, its location is immediately adjacent to its “twin” property at 2057 NW Overton Street, which was also built by Clementine Lewis in 1902. The two properties were originally identical and retain many of their design and construction similarities. In NW Portland, it is rare to have two identical historically significant properties together.*

With regard to criterion “b”, the applicants have stated:

*The resource’s design is representative of the construction style of single-family homes built in the Slabtown neighborhood in the early 1900’s, at the time of the Lewis & Clark Centennial Exposition in 1905. It exhibits a classic American Tudor style, with distinctive half timbering. It displays a steep, gabled 12/12 roof with*

*barge boards and large decorative pendant and finial at the gable end. The third-floor attic extends over a polygonal bay window. Another bay window appears on the east elevation. The interior retains many of its original design features including stair spindles and railings, decorative arches with oversized trim, large French doors, and a brick fireplace in the living room. The property remains nearly identical to the neighboring “twin” property at 2057 NW Overton Street.*

*Some alterations were made to the resource over the years. In 1930, part of the front porch was enclosed to add a bathroom and sitting area. In the early 1980’s, previous owners, a church group, converted the property into a triplex for their congregants. The most significant alteration was the addition of a visually obtrusive but functional exterior wood fire escape that provided secondary egress to the second and third floor units. Near the back of the west elevation, they added a bump-out to provide a second bathroom for the first-floor unit. At the same time, the owner added a full kitchen to the second-floor unit. On the third floor, they added a dormer to the rear of the building to facilitate the addition of a bedroom.*

*From the 1980’s until 2017, the property changed ownership multiple times but no significant alterations were made. In 2017, the current owners purchased the property, which continued to serve as a tri-plex until 2021. In 2021, when several tenants moved out at the same time, the current owners hired a contractor to make significant structural repairs to the building. As part of the project, the contractor removed the exterior fire escape and rebuilt part of the front porch, effectively reversing two of the major alterations made in the 1980’s.*

*In 2022, after the structural repairs were made, the current owners personally lived at the property for several months. They made several additions to the exterior of the property. They added a cedar fence, restored the existing cedar deck, and added a wooden deck in the back yard to enhance the safe, security, and livability of the property.*

*As one can see in current photos of the resource, the property is now visually very similar to its neighboring twin at 2057 NW Overton.*

With regard to criterion “c”, the applicants have stated:

*Obviously, NW Portland has changed dramatically since the resource was built in 1902. However, the resource and its immediate surroundings are generally unchanged since it was built. Though the resource has been slightly modified and modernized over time, the appearance and configuration of the building is largely unchanged from the time it was built. Wood fencing, gates, and decking were added to the rear of the property to improve privacy, security, and livability.*

*The neighboring single-family residence to the east (2057 NW Overton Street) was built at the same time, with the same design and materials, and is visually compatible with and structurally nearly identical to the resource property.*

With regard to criterion “e”, the applicants have stated:

*The property is representative of the construction style prevalent in the Slabtown neighborhood in the late 1800’s and early 1900’s. As previously mentioned, it exhibits a classic American Tudor style, with distinctive half timbering. It displays a steep, gabled 12/12 roof with barge boards and large decorative pendant and finial at the gable end. The interior retains many of its design features including*

*original stair spindles and railings, decorative arches with oversized trim, large French doors, and a brick fireplace in the living room. The property remains nearly identical to the neighboring property at 2057 NW Overton Street.*

With regard to criterion “f”, the applicants have stated:

*For the reasons described above, most of the design elements from the early 1900’s remain intact and convey the significance of the resource. Current photos of the property show a strong similarity to its neighboring property at 2057 NW Overton Street. The resource has a steep pitched roof with a decorative finial, common in the late 1800’s and early 1900’s. It displays significant half timbering, which was representative of American [T]udor-style single-family homes built in NW Portland in the early 1900’s. The porch includes painted white wood balusters, railings, posts, and spandrels that are representative of the resource’s period of historic significance in the early 1900’s.*

With regard to criterion “g”, the applicants have stated:

*For the reasons described above, the individual and cumulative features of the resource are sufficient to convey a strong association with the resource’s significance.*

The Commission agreed that criteria “a”, “b”, “c”, “e”, and “f”, and therefore “g” are met. As is noted, the building has been altered since its original construction, with some of those alterations since removed in an attempt to return the building to a closer approximation of its original character. Later alterations that have since been corrected include the egress stair on the east façade, and alterations made to the porch that partially enclosed the west side and removed original decorative elements. Some later alterations remain, including enclosure of the east side of the front porch, the addition of a small first floor bumpout at the northwest corner, dormers at the east and north slopes of the roof, and removal of original windows and their replacement with vinyl windows. Some restorative elements have been added including the decorative porch detailing which matches the detailing on the twin building at 2057 NW Overton, though it is unclear what the original porch detailing on this building looked like as no historic photos have yet been discovered.

While alterations have been made to the original design, the building is still located in its original location and in its original position on the site, it still retains sufficient design elements from its historic period, and it still retains expressions of the craft from its period of significance, specifically the American Tudor aesthetic which was popular at the time of its construction. For these reasons, the resource retains sufficient integrity to meet this criterion for designation as a Conservation Landmark.

***This criterion is met.***

- 3. Appropriate level of protection.** The proposed City designation is appropriate considering the following. Levels of protection for City designation are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, contributing resource in a Historic District, contributing resource in a Conservation District, and no City designation:
- a. The significance and integrity of the resource proposed for designation;
  - b. The regulatory effects of the proposed level of protection; and
  - c. Other values, such as relevant goals and policies in the Comprehensive Plan.

**Findings:** Conservation Landmarks are defined in the Portland Zoning Code as “a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit.” This description is the same for resources designated as Historic Landmarks, however, there are



differences in these two designations. Conservation Landmarks are currently few in number and all are solely City-designated resources, whereas Historic Landmarks are greater in number with some being City-designated and some receiving the City designation following listing on the National Register of Historic Places, which resulted in automatic Historic Landmark designation prior to January 27, 2017; after this date the state administrative rules changed requiring a local process to designate National Register-listed resources as landmarks.

One primary distinction between Historic and Conservation Landmarks is that alterations to the interiors of Historic Landmarks can be reviewed through Historic Resource Review if the interior is specifically landmarked; the applicant does not propose to landmark the interior of the resource so this would not be a factor in the Conservation Landmark designation. The same exemptions to Historic Resource Review apply to both Historic and Conservation Landmarks.

Another primary distinction between Historic and Conservation Landmarks is the level of review applied to each type of resource for certain projects. Most project types have the same level of review, but a new accessory structure requires only a Type 1x land use review for a Conservation Landmark versus a Type 2 land use review for a Historic Landmark. Likewise, any exterior alteration project, other than a relocation, will never exceed the staff-level Type 2 land use review for a Conservation Landmark, whereas for a Historic Landmark, the review could reach the Commission-level Type 3 land use review, depending on valuation.

Lastly, the final primary distinction between a Conservation Landmark and a Historic Landmark is that, if demolition is proposed, Conservation Landmarks are subject to a Type 3 Demolition Review, whereas a Historic Landmark is subject to a Type 4 Demolition Review. A Type 3 is reviewed by the Historic Landmarks Commission, appealable to City Council and a Type 4 is reviewed by City Council, appealable to the Land Use Board of Appeals.

Because the subject property is worthy of protection, based on the findings above under 1 and 2, and juxtaposed with the continued popularity of this part of town as evidenced in the provided photos which show continued construction of large apartment buildings in the vicinity, landmarking the resource is appropriate and will help ensure its preservation. Because the Historic Landmark designation and the regulations that come with it may be slightly excessive for this particular resource, Conservation Landmark designation is more appropriate than Historic Landmark designation.

Goals and policies of the City's Comprehensive Plan also support the protection of the resource through Landmark designation. These include the following:

Goal 4.B: Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.

Policy 4.28: Historic buildings in centers and corridors. Identify, protect, and encourage the use and rehabilitation of historic resources in centers and corridors.

Policy 4.46: Historic and cultural resource protection. Within statutory requirements for owner consent, identify, protect, and encourage the use and rehabilitation of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.

Policy 4.60: Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance,

to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

While there are many other goals and policies in the Comprehensive Plan not addressed here, policies related to preservation and building reuse are supported by Landmark designation.

Lastly, the applicants proposed that the boundary of the Conservation Landmark shall be limited to the footprint of the building, which is atypical of the City's landmarks. Typically, the boundary is the site as denoted by the property lines, with the building noted as the significant resource. Staff suggested that the boundary be identified as the property for consistency within our records and added a suggested condition of approval to clarify this in the records, with which the Commission agreed.

***With the condition that the boundary is noted as the site (or property lines) with the existing building identified as the significant resource, this criterion is met.***

## CONCLUSIONS

The purpose of the Historic Designation Review process is to promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Ensuring underrepresented histories are recognized and protected;
- Fostering preservation and reuse of historic artifacts, structures, sites, objects, places, and districts as important parts of the region's fabric;
- Encouraging new development to sensitively incorporate historic resources and artifacts; and
- Applying an appropriate level of protection to historic resources at the time of City designation.

This proposal meets the applicable Historic Designation Review criteria and therefore warrants approval.

## LANDMARKS COMMISSION DECISION

Approval of Historic Designation Review to designate the property at 2069 NW Overton Street as a Conservation Landmark, with the following condition of approval.

- A. The boundary of the landmark shall be noted as the site (or property lines) with the existing building identified as the significant resource.
- B. The significance of the property is primarily dependent on criterion 1.c, but there is also potential significance based on criterion 1.b.

This approval is per Exhibits C-1 and C-2, signed and dated May 22, 2023."

By:   
Andrew Smith, Landmarks Commission Chair

Application Filed: February 28, 2023

Decision Rendered: May 22, 2023

Decision Filed: May 23, 2023

Decision Mailed: May 30, 2023

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

**Procedural Information.** The application for this land use review was submitted on February 28, 2023, and was determined to be complete on April 17, 2023.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 28, 2023.

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. The **120 days expire on: August 15, 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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

**Conditions of Approval.** This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on June 13, 2023. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. The completed appeal application form must be e-mailed to [BDSLUSTeamTech@portlandoregon.gov](mailto:BDSLUSTeamTech@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.

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 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>.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,250.00 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services website: <https://www.portlandoregon.gov/bds/article/411635>. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.**

If this land use review is approved the final decision will be recorded with the County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

**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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

**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).**

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Narrative
  - 2. Consent Letter
  - 3. Site Plan Overview
  - 4. Site Plan
  - 5. 1980 Photo
  - 6. Photo – Exterior Front 1
  - 7. Photo – Exterior Front 2
  - 8. Photo – Exterior Rear
  - 9. Photo – Kitchen
  - 10. Photo – Living Room and Entry
  - 11. Updated Narrative
  - 12. Completeness Response
  - 13. Photos
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Site Plan (attached)
  - 2. Exterior Photo (attached)
- D. Notification information:
  - 1. Posting letter sent to applicant
  - 2. Notice to be posted
  - 3. Applicant's statement certifying posting
  - 4. Mailed notice
  - 5. Mailing list
- E. Agency Responses: none
- F. Letters
  - 1. Mark Stromme, on April 23, 2023, wrote in support.
  - 2. Philip R. Selinger, on April 23, 2023, wrote in support.
  - 3. Don Singer, on April 24, 2023, wrote in support.
  - 4. Dan Anderson, on April 28, 2023, wrote in support.
  - 5. Cheri Ceridwen, on May 6, 2023, wrote in support.
  - 6. Julius Woythaler & Kristi Elong-Woythaler, on May 10, 2023, wrote in support.
- G. Other
  - 1. Original LUR Application
  - 2. Incomplete Letter, dated March 23, 2023
  - 3. Staff Report, dated May 12, 2023
  - 4. Staff Memo, dated May 12, 2023
  - 5. Revised Staff Report, dated May 22, 2023
- H. Hearing
  - 1. Staff Presentation, dated May 22, 2023