



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 8, 2016  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@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 16-115425 AD**

#### **GENERAL INFORMATION**

**Applicant:** Matthew McCune  
McCune Design  
2812 NE 8th Ave.  
Portland, OR 97212

**Property Owner:** Henry Buckholdt and Coryn Campbell  
0203 SW Palater Rd.  
Portland, OR 97219

**Site Address:** 0203 SW Palater Rd.

**Legal Description:** LOT 32 EXC PT IN ST, SOUTH RIDGE  
**Tax Account No.:** R778802170  
**State ID No.:** 1S1E27CA 00600  
**Quarter Section:** 4029

**Neighborhood:** Collins View, contact Dave and Dixie Johnston at 503-636-0959  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592  
**Zoning:** R10/R10s - Single-Dwelling Residential 10,000 with Scenic Resource overlay zone on a portion of the lot

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

**Proposal:** The applicant proposes to replace an open carport attached to the house on this site with an enclosed garage. Zoning Code Section 33.110.253.E requires that garage walls can be no closer to the street lot line than the longest street-facing wall of living space. Since the new enclosed garage will extend 6.5 feet closer to the street lot line than the rest of the house, the applicant is requesting approval of an Adjustment to the garage location requirement in Zoning Code Section 33.110.253.E.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

## ANALYSIS

**Site and Vicinity:** The site is a 31,500-square-foot lot located on the north side of SW Palater Road, adjacent to a traffic circle on SW Terwilliger Boulevard. The site is developed with a single-dwelling house and a detached accessory building in the front yard. Most neighboring properties are also developed with single-dwelling homes. The campus of Lewis and Clark College is immediately southwest of the site, across SW Terwilliger Boulevard. The western boundary of the River View Natural Area is approximately 300 feet east of the site.

**Zoning:** The R10 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

A portion of the site is designated with the Scenic ("s") overlay zone, which establishes height limits within view corridors and additional landscaping and screening standards to preserve and enhance identified scenic resources. The associated regulations are not applicable to this Adjustment request, as the proposed garage will be located outside the "s" overlay zone.

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

**Agency Review:** A "Notice of Proposal" was mailed February 11, 2016. The following Bureaus have responded with no concerns about the proposal:

- Bureau of Environmental Services (Exhibit E-1);
- Bureau of Transportation Engineering (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of BDS (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

**Neighborhood Review:** One written comment was received from a neighbor in response to the "Notice of Proposal." This neighbor expressed no objection to the proposal and did not make specific comments relevant to the approval criteria (Exhibit F-1).

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Approval Criteria

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

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

**Findings:** The applicant is requesting an Adjustment to the requirement in Zoning Code Section 33.110.253.E requires that garage walls can be no closer to the street lot line than the longest street-facing wall of living space. The purposes of the garage requirements in single-dwelling zones are stated in Zoning Code Section 33.110.253.A:

**Purpose.** *These standards:*

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*

- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*
- *Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*
- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*
- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

**Findings:** The house on this site is set back more than 100 feet from the street, and is largely obscured from view from the street behind trees and an art studio building in the front yard. Therefore, the attached garage coming 6.5 feet closer to the street than the rest of the house will make little difference to the prominence of the house's main entrance or living area from the street. Since views between the house and the street are already obscured, the proposed garage addition will not block views from the house to the street, and will not dominate the view of the property from the street. Based on these reasons, the proposal equally meets the intent of the regulation. This criterion is met.

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

**Findings:** Because the site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed above, the house is set back more than 100 feet from the street, and the view of the house from the street is largely obscured behind trees and an art studio in the front yard. The attached garage coming 6.5 feet closer to the street than the rest of the house will make little difference to the street view of the property. The garage will be only 11 feet tall and will be 38 feet from the closest neighboring lot, so no negative impacts on any neighbors are anticipated. For these reasons, the proposal has no negative impacts to neighborhood livability or appearance. 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:** As only one Adjustment is being requested, this criterion is not applicable.

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

**Findings:** City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. There are no historic resource designations mapped on the subject site, but a portion of the front of the site is designated with a Scenic ("s") overlay zone. The attached garage subject to this Adjustment request will be served by an existing driveway and is entirely outside the "s" overlay zone. Since no impacts within the "s" overlay zone are anticipated, this criterion is met.

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

**Findings:** As discussed in the findings for approval criterion B, the proposal has no adverse impacts on the livability or appearance of the surrounding residential area. As there are no identified adverse impacts for which mitigation would be required, this criterion is not applicable.

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

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on site, this criterion is not applicable.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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

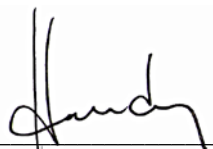
The proposed Adjustment equally meets the intent of the garage regulations, and will not have adverse impacts on the livability and appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.110.253.E for the garage to extend 6.5 feet closer to the street lot line than the longest street-facing wall of dwelling space, per the approved site plan and building elevations, Exhibits C-1 through C-3, signed and dated March 4, 2016, subject to the following condition:

- A. As part of the building permit application submittal, each of the required site plans must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheet on which this information appears must be labeled, "Proposal as approved in Case File # LU 16-115425 AD."

**Staff Planner: Andrew Gulizia**

**Decision rendered by:**  **on March 4, 2016.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 8, 2016**

**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 2, 2016, and was determined to be complete on February 9, 2016.

*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 2, 2016.

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 extended by the applicant, **the 120 days will expire on: June 8, 2016.**

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 22, 2016**, at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

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

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

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **March 23, 2016**.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

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.

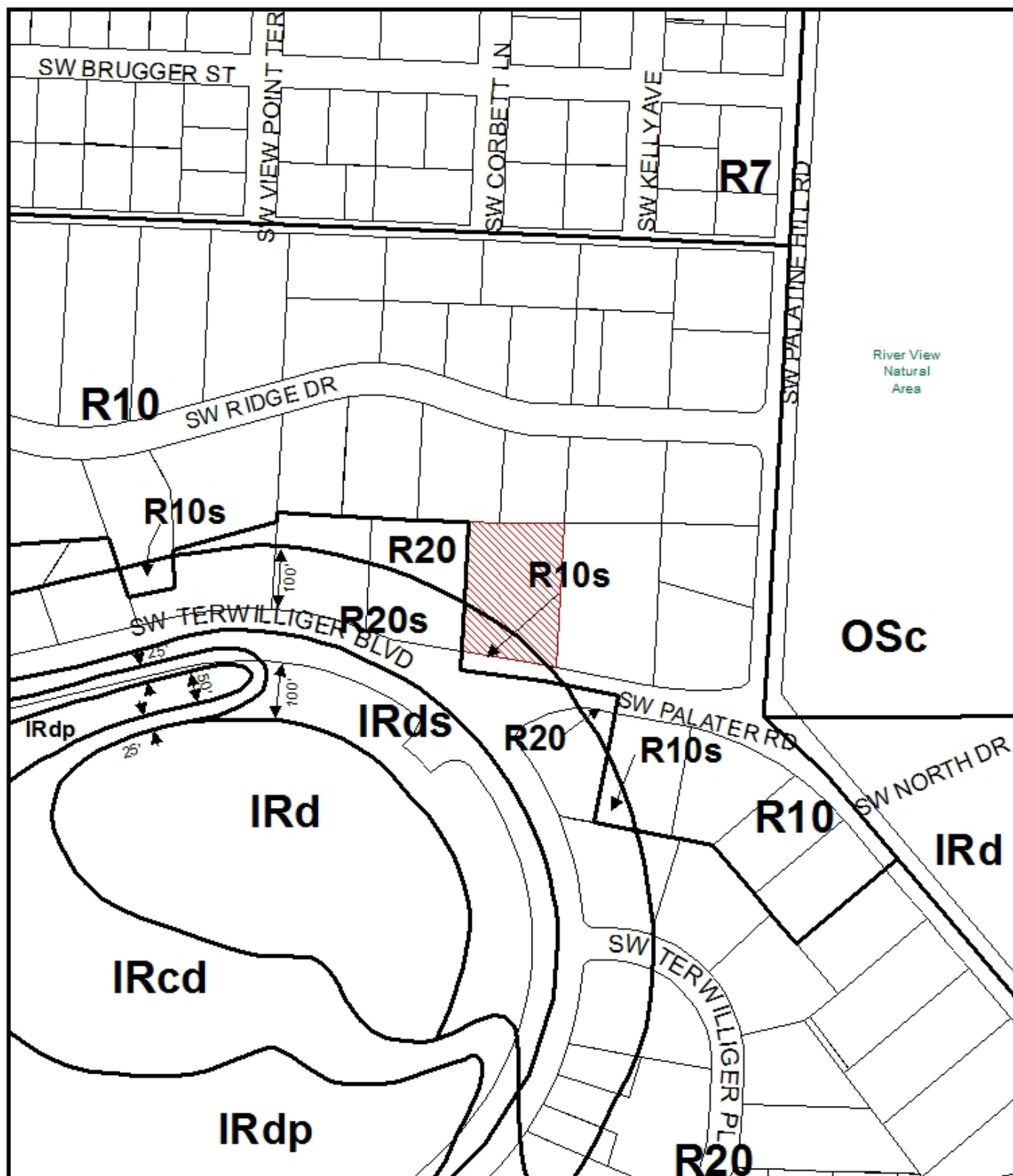
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. North and west building elevations (attached)
  - 3. South and east building elevations (attached)
  - 4. Existing floor plan
  - 5. Proposed floor plan
  - 6. Full-size, scalable plan set (5 pages)
- D. Notification Information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. E-mail from Nicholas Smith, dated February 16, 2016
- G. Other:
  - 1. Original LU application form and receipt

**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



NORTH

File No. LU 16-115425 AD

1/4 Section 4029

Scale 1 inch = 200 feet

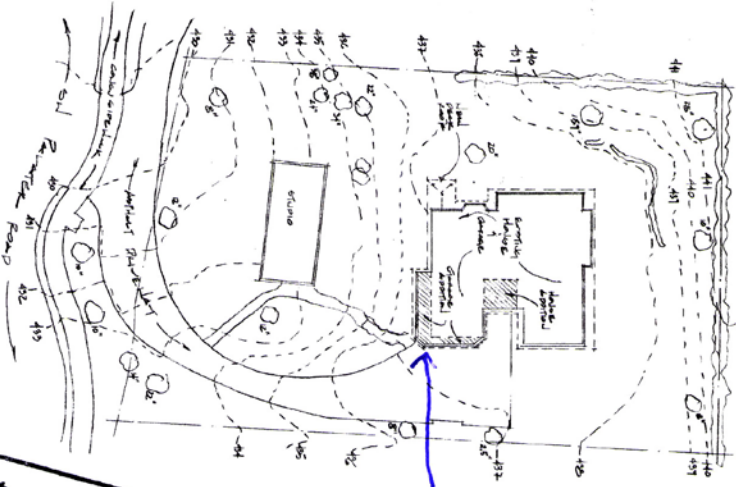
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Exhibit B (Feb 04, 2016)



City of Portland - Bureau of Development Services  
 \*Approved\*  
 Planner: [Signature]  
 Date: 11/30/16

garage addition proposed to extend 6.5' closer to street lot line than the rest of the house



1. Site Plan  
 2. General Notes

City of Portland - Bureau of Development Services  
 \*Approved\*  
 Planner: [Signature]  
 Date: 3/4/16  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- General Notes**
1. All work is to be done in accordance with the City of Portland's Department of Development Services (DDoS) standards and specifications.
  2. The Contractor is responsible to obtain the appropriate permits from the City of Portland and the relevant agencies.
  3. The Contractor shall maintain access to all existing utilities and structures on the site.
  4. The Contractor shall maintain the site in a safe and secure condition at all times.
  5. The Contractor shall maintain the site in a clean and orderly condition at all times.
  6. The Contractor shall maintain the site in a safe and secure condition at all times.
  7. The Contractor shall maintain the site in a clean and orderly condition at all times.
  8. The Contractor shall maintain the site in a safe and secure condition at all times.
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  18. The Contractor shall maintain the site in a safe and secure condition at all times.
  19. The Contractor shall maintain the site in a clean and orderly condition at all times.
  20. The Contractor shall maintain the site in a safe and secure condition at all times.

- List of Drawings**
1. Site Plan and General Notes
  2. Foundation Plan
  3. Floor Plan
  4. Section Plan
  5. Elevation Plan
  6. Detail Plan
  7. Schedule Plan
  8. Appendix Plan
  9. Index Plan
  10. Other Plan

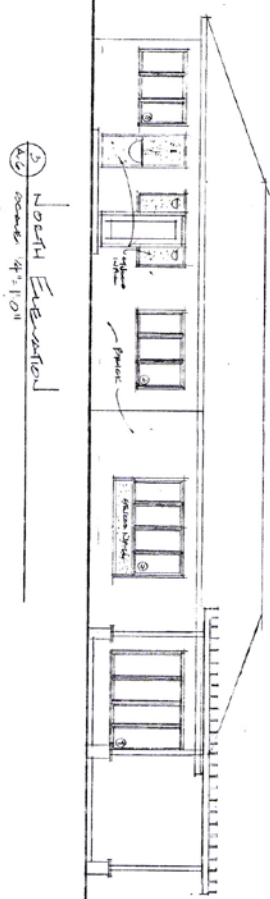
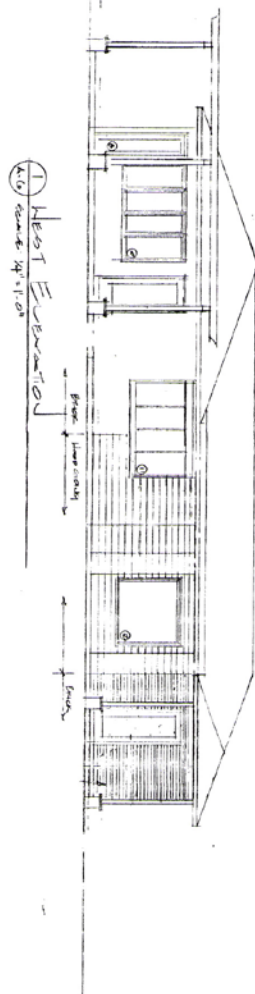
**Designated Personnel**

Site: [Name]  
 Design: [Name]  
 Construction: [Name]  
 Other: [Name]

Exhibit C-1

# Buckholdt/Campbell Residence

LV 16-115425 AD



\*Approved\*

City of Portland - Bureau of Development Services

Planner A. Gulizia

\* This approval conditions of                     

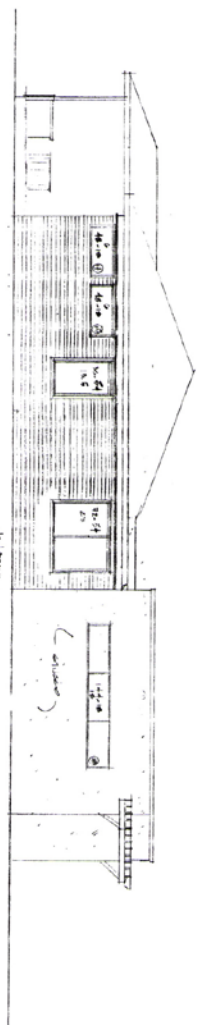
Date 3/14/16

and is subject to all                     

its may apply.

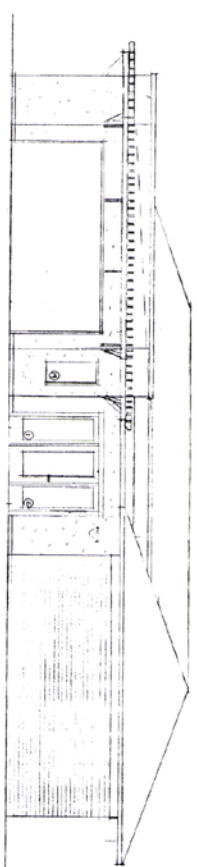
Exhibit C-2

LN 16-115425 AD



① South (Street Front) Elevation

Example: 1000 1000 1000



② East Elevation

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

Exhibit C-3

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner A. G. L. L. L.  
 Date 3/4/16  
 \* This approval is valid only to the conditions requested and is subject to all conditions of approval. Additional conditions may apply.

LV 16-115425 AD