



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 9, 2010
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / mark.bello@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-105429 AD

GENERAL INFORMATION

Applicant: Walt Quade
6110 NE 53rd Pl
Portland, OR 97218

Marcia E Tate
6110 NE 53rd Pl
Portland, OR 97218

Site Address: 6110 NE 53RD PL

Legal Description: LOT 1 INC UND INT TRACT A, PARTITION PLAT 2004-41; LOT 2&3
INC UND INT TRACT A, PARTITION PLAT 2004-41

Tax Account No.: R649841610, R649841620

State ID No.: 1N2E18DB 06101, 1N2E18DB 06102

Quarter Section: 2436

Neighborhood: Cully, contact Steve Yett at 503-282-3251.

District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Zoning: R5h Residential 5,000, Aircraft Landing Zone

Case Type: AD Adjustment

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

Proposal:
The applicant proposes to change an existing accessory building to an ADU (Accessory Dwelling Unit). Conversion of the existing building requires that the applicant receive adjustments from the design standards for ADUs regarding exterior finish materials and roof pitch (Section 33.205.030). Following are the Zoning Code requirements:

7. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.

8. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Section 33.805.040

ANALYSIS

Site and Vicinity: The project site, Parcel 2, is relatively flat. The house is located on the south half of the site, just to the west of Tract A, which parallels the east property line. There is a 34 inch Ponderosa Pine in the northeast corner. The proposed ADU is located just outside the 34' root protection zone about 19 feet from the east property line. Tract A, a private drive, extends within approximately 68 feet from the rear property line. The ADU is located approximately 19 feet from the east property line

Across NE Holman to the north is the edge of a bluff that slopes down to NE Portland Boulevard. The lands in this area have industrial zoning and are developed with small and large scale industrial and some commercial operations. The lands along the top of the bluff, and to the east, south and west have residential zoning. Most of the development in this residential area includes one and two-story homes on lots that range in size from over 23,000 square feet to less than 4,000 square feet.

Zoning: The R5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The site also has an **Aircraft Landing (h) overlay** designation. The "h" overlay restricts the height of structures in the vicinity of the Portland International Airport. If the base zone height limit is more restrictive, the base zone height controls.

Land Use History: In 2007, the City permitted construction of an accessory building, a ceramics studio (2007 169642 RS). In December, the City was notified by a complaint that the structure had been converted to an Accessory Dwelling without permits.

Previously, the building site was created as a result of an approved land division application. The 23,443 square foot property was divided into 3 parcels, with a 22-foot wide private street (LUR 03-118332 LDP). The applicant has recently met conditions of approval (See Exhibits G-3 and G-4). Prior to construction of the house, the applicants requested and received setback adjustments (LU 04-009055). Later, the accessory structure was permitted as a studio (07-169642 RS).

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 5, 2010**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 5, 2010. 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. stated below, have been met.

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

33.205.030 Design Standards

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

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

and

- 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
- 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
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.
- 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 AND CONCLUSIONS

The applicants' proposal meets all of the relevant approval criteria. The standards that require the same roof pitch and exterior materials are intended to make an accessory dwelling compatible with the primary dwelling. The approval criteria also ensure that the ADU and house together are compatible with the neighborhood. In this situation, the ADU (5/12) has a roof pitch very close to that of the house (4/12). Also, the ADU has cedar shake siding instead of the hardiplank siding of the house but the ADU shake siding does pick up on the shake siding around the front door of the house.

No cumulative impacts are expected to occur from approval of the proposal. There are no scenic or historic resources on the site, no cumulative impacts have been identified, and the site is not located in an environmental zone, so the criteria related to these issues do not apply. Therefore, because all of the relevant approval criteria are met, the proposal can be approved, in substantial compliance with the proposed site plan.

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 ADU was originally built for a different purpose so the roof pitch and exterior siding does not exactly match the house as required by the Zoning Code. These discrepancies are not significant to take away from the site or to negatively affect the neighborhood. The proposal enjoys neighborhood support. Approval criteria are met.

ADMINISTRATIVE DECISION

Approval of adjustments to the roof pitch and exterior siding requirements (33.205.030) of this ADU per the approved site plans, Exhibits C.1 – C.2, signed and dated April 6, 2010, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 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 10-105429 AD. No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by:  **on April 6, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 9, 2010

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

Procedural Information. The application for this land use review was submitted on January 22, 2010, and was determined to be complete on February 5, 2010.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 22, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended until March 10, 2010. Unless further extended by the applicant, **the 120 days will expire on: June 14, 2010.**

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 April 23, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **April 26, 2010.**
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

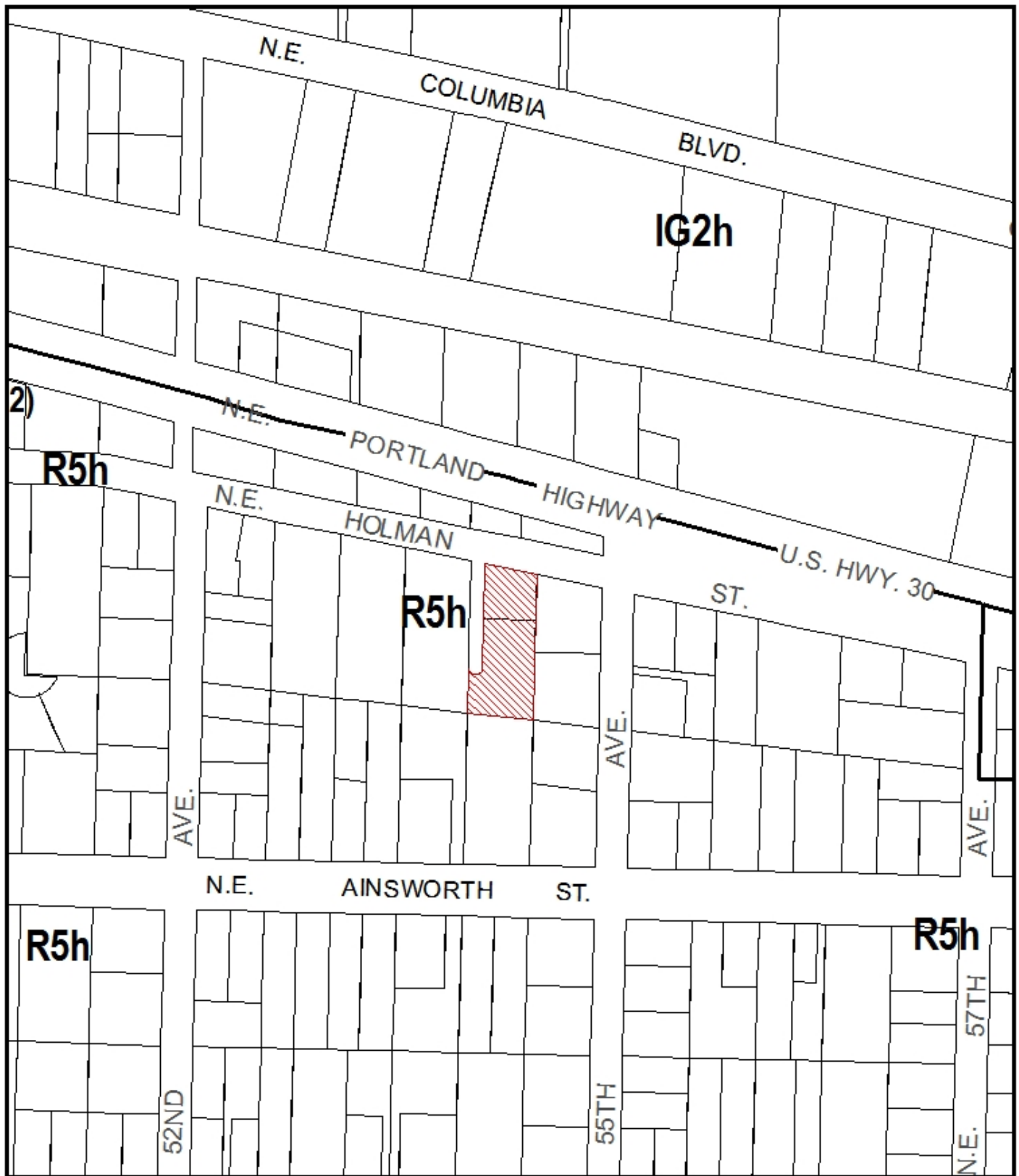
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. ADU Elevation and Floor Plan (attached)
 - 3. House, east and west elevation
 - 4. House, north and south elevation
 - 5. House, sections
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Transportation
 - 3. Water
 - 4. Fire
 - 5. Site Development, Bureau of Development Services
 - 6. Urban Forestry, Parks
 - 7. Life Safety Plans Examiner, Bureau of Development Services
- F. Correspondence:
 - 1. Thomas Skach, 5314 NE Holman Street
 - 2. Petition in Support, Attached to Application
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Code Compliance/ADU
 - 4. LU 03-118332 LDP/Condition #10
 - 5. LU 03-118332 LDP/Condition #10/Appeal Summary

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

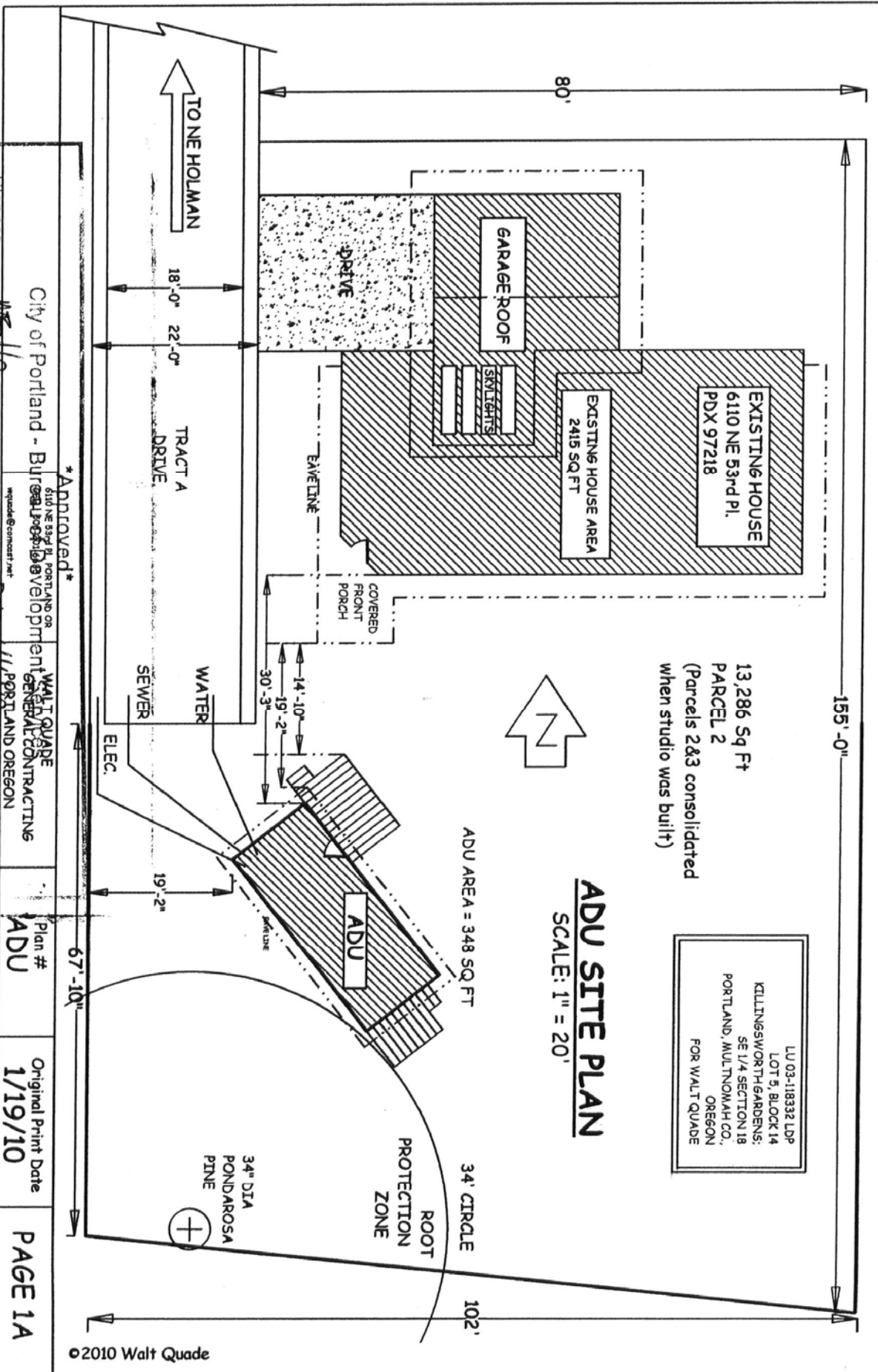


Site



NORTH

File No.	LU 10-105429 AD
1/4 Section	2436
Scale	1 inch = 200 feet
State_Id	1N2E18DB 6102
Exhibit	B (Jan 25, 2010)



13,286 Sq Ft
PARCEL 2
(Parcels 2&3 consolidated
when studio was built)

LU 03-118332 LDP
LOT 5, BLOCK 14
KILLINGSWORTH GARDENS:
SE 1/4 SECTION 18
PORTLAND, MULTNOMAH CO.,
OREGON
FOR WALT QUADE

ADU SITE PLAN

SCALE: 1" = 20'

©2010 Walt Quade

City of Portland - Bureau of Development
6110 NE 53rd Pl. PORTLAND OR 97218
Approved*
Walt Quade
WALT QUADE
GENERAL CONTRACTING
1800 NE 15th AVE. PORTLAND, OR 97232
Date 4/16/10
Planner WJH

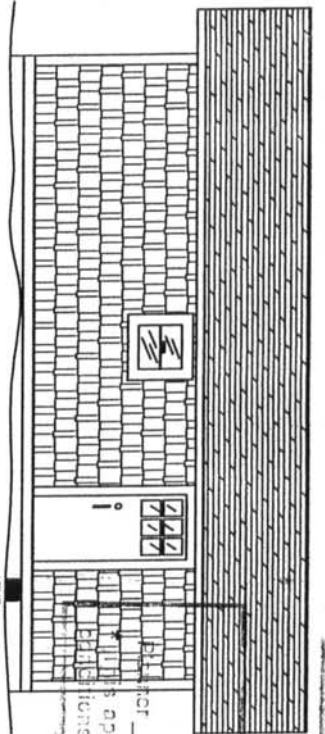
Plan # ADU
Original Print Date 1/19/10
PAGE 1A

* This approval applies only to the reviews requested and is not a condition of approval. Additional zoning requirements may apply.

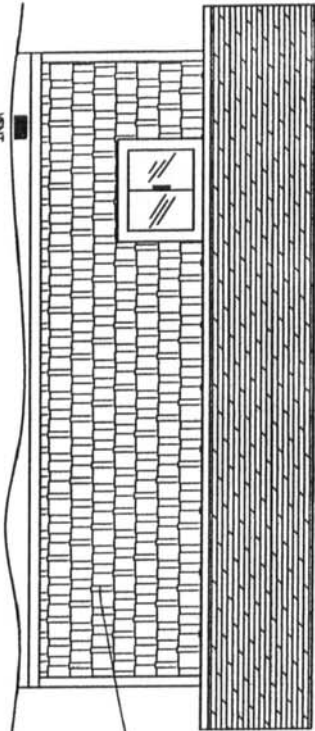
10-105429
CASE NO
EXHIBIT C1

LU10-105429

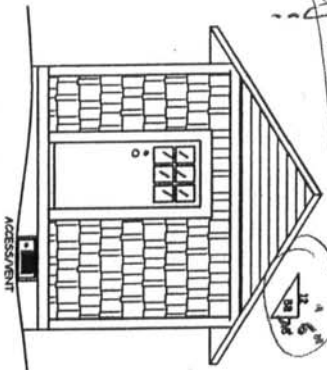
STUDIO (NOW ADU) APPROVED 10/16/07 CITY OF PORTLAND 07-169642-RS IVR#2710719



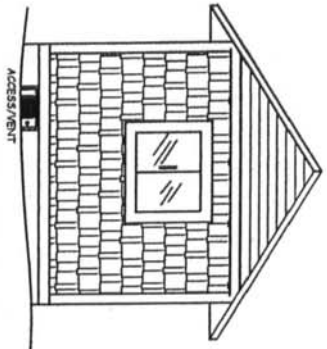
ADU ELEVATION EAST
SCALE: 1/8"=1'



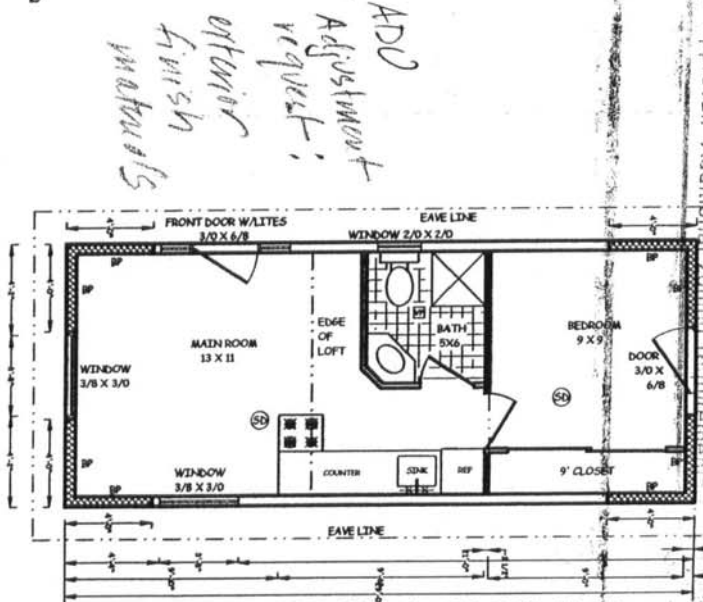
ADU ELEVATION WEST
SCALE: 1/8"=1'



ADU ELEVATION SOUTH
SCALE: 1/8"=1'



ADU ELEVATION NORTH
SCALE: 1/4"=1'



PROPOSED ADU FLOOR PLAN
SCALE: 1/8"=1'

Approved
City of Portland - Bureau of Development Services
Date 4/6/10
Approval applies only to the review requested.
Additional conditions of approval. Additional studio requirements.

ADU Adjustment request!
vodd
p/hh
5/1/2

ADU Adjustment request!
exterior finish materials

CASE NO. 0-105429
EXHIBIT C2

©2010 Walt Quade

6110 NE 53rd Pl., PORTLAND OR CELL: 503-201-6635 wquade@comcast.net	WALT QUADE GENERAL CONTRACTING PORTLAND OREGON	Plan # GREEN HOME	Original Print Date 7/27/07	PAGE 2A
--	--	----------------------	--------------------------------	------------