



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

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Date: 12/7/21
To: Interested Person
From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 21-087241 HR *EXTERIOR ALTERATIONS*

GENERAL INFORMATION

Applicant: Robert Roster | Green Rabbet Builders LLC
4243 SE Alder Street | Portland, OR 97215
roboster@me.com

Owners: Marjorie Dial & Jeremy Fields
3115 NW Thurman Street | Portland, OR 97210-1944

Site Address: 3115 NW THURMAN STREET

Legal Description: BLOCK 17 LOT 1&2, WILLAMETTE HTS ADD
Tax Account No.: R913402360
State ID No.: 1N1E29CD 03900
Quarter Section: 2825
Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills - Balch Creek, Northwest Hills - Forest Park
Other Designations: National Register of Historic Places – Historic Landmark Melinda E. Morgan House

Zoning: R5 – Single Dwelling Residential 5,000 zone
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

The applicant seeks Historic Resource Review approval for exterior alterations to a residence that is listed on the National Register of Historic Places, known as the Melinda E. Morgan House. The proposed alterations are focused at the northwest corner of the house and include:

- 80 SF addition with new foundation, roof and exterior siding and trim details to match existing house.

- Replacing existing single pane non-original windows with historically accurate insulated glass and wood sashes.

Historic Resource Review is required for exterior alterations to historic landmarks per Section 33.445.140.A.1.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- Other Approval Criteria - Section 33.846.060.G

ANALYSIS

Site and Vicinity: The 9,900 SF site is located at the northwest corner of NW Thurman Street and 31st Avenue. The property is developed with 2-1/2 story residence in the Colonial Revival style with some Queen Anne features constructed in 1893 or 1894. The property was designated as a National Historic Landmark in 1990. The area proposed for alteration is on the north and west elevations. The surrounding area consists of single-dwelling residences.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Northwest Hills Plan District protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The Linnton Hillside subarea within the Forest Park subdistrict contains a residential area that is constrained by natural conditions and limited existing infrastructure. The development standards for this subarea are intended to protect the public health and safety by limiting the potential number of new housing units consistent with these constraints. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites. The site is within the Forest Park Subarea of this plan district.

Land Use History: City records indicate the following prior land use reviews:

LU 14-210008 HR: Historic Resource Review approval for exterior alterations including removing windows and a door, adding new windows, and adding a new shed roof on the upper floor.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 8, 2021**.

The following Bureaus have responded with no issues or concerns:

- Life Safety Plan Review Section of BDS (see Exhibit E1)
- Bureau of Transportation Engineering (see Exhibit E2)

- Bureau of Environmental Services (see Exhibit E3)
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 8, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all of the approval criteria and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings: The proposal meets these approval criteria as follows:

- The overall character of the house will unaltered, and no distinctive or significant features will be altered. While a portion of the ribbon windows on the enclosed porch on the north façade will be removed (none are original), the semblance of the original porch will remain given the continued foundation, roof line and smaller ribbon windows.
- No conjectural features or borrowed architectural elements will be incorporated in the design of the exterior.
- The scope of construction will not impact any historic materials such as brick work or wood trim, except in so far as rotten wood is discovered and repaired during the course of demolition.
- The windows on the enclosed porch on the rear of the residence and the door to be removed are not original, nor have they acquired historic significance.
- The new windows will match the existing windows in terms of material, proportions, profile, operation, placement within the wall, and trim.
- The new cladding on the addition at the northwest corner will consist of new cedar lap siding and trim to match the existing on the house.
- The extension and infill of the foundation will be concrete with real brick applied to match the dimensions, texture and finish of that on the existing foundation.
- The new addition will simply extend the existing roof profile to the corner and connect to the north side. This will preserve the distinct cornice woodwork typical of the house.
- The proposed changes are both compatible with the house's distinct blend of Queen Anne and Colonial Revival detailing, and with the character of the neighborhood in general, which is made up of several houses of eclectic style built during the same time.

These criteria are therefore met.

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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to

convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations per the approved site plans, Exhibits C-1 through C-9, signed and dated 12/7/21, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 21-087241 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on 12/3/21**

By authority of the Director of the Bureau of Development Services

Decision mailed: 12/7/21

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 16, 2021, and was determined to be complete on November 4, 2021.

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 16, 2021.

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 3/4/22.**

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 Landmarks Commission, 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 12/21/21. The completed appeal application form must be emailed to 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 Landmarks Commission 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 Landmarks Commission 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 **12/21/21** 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
 1. Project narrative, responses to approval criteria, renderings
 2. Original drawing set
 3. Responses to incomplete letter
 4. Floor plans, constructions docs, stormwater etc.
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing and proposed elevations (attached)
 3. Enlarged proposed north elevation
 4. Enlarged proposed west elevation
 5. Window/wall sections
 6. Window/wall sections
 7. Enlarged window elevation
 8. Door details
 9. Brick details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Plan Review Section of BDS
 2. Bureau of Transportation Engineering and Development Review
 3. Bureau of Environmental Services
- F. Correspondence: none
- G. Other:
 1. Original LU Application
 2. Incomplete Letter dated 9/23/21

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).