



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** June 7, 2022  
**To:** Interested Person  
**From:** Marguerite Feuersanger, Land Use Services  
503-823-7619 / [Marguerite.Feuersanger@portlandoregon.gov](mailto:Marguerite.Feuersanger@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 21-096438 AD**

**GENERAL INFORMATION**

**Owner/Applicant:** Cynthia Langlykke  
2339 SE 34th Avenue  
Portland, OR 98214  
(401)595-2321 [clanglykke@gmail.com](mailto:clanglykke@gmail.com)

**Owners:** Joel Goyette, et al  
3581 SE Grant Court  
Portland, OR 97214

**Site Address:** 3581 SE Grant Court

**Legal Description:** BLOCK 12 LOT 6 W 26' OF LOT 7, PARK VIEW RPLT & EXTD  
**Tax Account No.:** R645101840  
**State ID No.:** 1S1E01DC 04500  
**Quarter Section:** 3234

**Neighborhood:** Richmond, contact Heather Flint Chatto at [richmond.pdx.lutc@gmail.com](mailto:richmond.pdx.lutc@gmail.com)

**Business District:** Division-Clinton Business Association, contact at [info@divisionclinton.com](mailto:info@divisionclinton.com)

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

**Zoning:** R5, Residential 5,000 zone

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

**Proposal:** The applicant proposes to build a one-and-one-half story detached accessory dwelling unit (ADU) on the 7,200 square-foot subject site. The existing house will remain, but the detached garage will be replaced with the proposed ADU in the same area on the site, but

with an expanded depth and footprint measuring 18 feet in width and 32 feet in depth. Because the garage will be removed, the applicant proposes to establish two side-by-side vehicle parking spaces on the existing driveway. New parking spaces, however, must be at least 9 feet wide and 18 feet long and located outside the 10-foot front setback. The applicant is requesting the following 3 Adjustments to Zoning Code development standards for the ADU:

1. For the ADU, reduce the minimum side (east) building setback from 5 feet to 3 feet, including an eave overhang (note that the second story will be set back 5 feet from the side property line) (Section 33.110.220.B and Table 110-4);
2. For the ADU, reduce the minimum setback from 40 feet to 21.5 feet (Section 33.205.040.C.3); and
3. For the two parking spaces: Allow the two parking spaces to be located within the 10-foot front setback (Section 33.266.120.C.2).

**Relevant Approval Criteria:**

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section 33.805.040.A through F.

**ANALYSIS**

**Site and Vicinity:** The subject site is a 7,200 square foot interior lot located on the north side of SE Grant Court between SE 35<sup>th</sup> Place and SE 37<sup>th</sup> Avenue, developed with a two-story single-dwelling residence. A detached garage is located east of the house, approximately 22 feet from the front property line and a small shed (10 feet by 16 feet in footprint) is located at the northwest corner of the lot. Development on nearby lots is a mix of single dwelling residences and duplexes. Lots range in size from 3,000 square feet to 7,000 square feet.

Southeast Grant Court is designated as a Local Service street and is improved with sidewalks narrow landscape strips and curbs. The site is between two commercial main streets: SE Division Street is located 650 feet south of the site and SE Hawthorne Boulevard is located 1,800 feet north of the site. Both streets are designated as Transit streets.

**Zoning:** The R5 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and provide 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.

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

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed April 12, 2022. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES) responded with no objections to the requested Adjustments and provided information about stormwater management that will be required at the time of the building permit (Exhibit E-1);
- Bureau of Transportation (PBOT) responded with no objections to the requested Adjustments, and provided comments regarding the Adjustment #3, parking proposed within the front setback (Exhibit E-2). PBOT staff comments are discussed in the findings section of this report;
- Water Bureau responded with no concerns (Exhibit E-3);
- Fire Bureau responded with no concerns (Exhibit E-4);
- Site Development Section of BDS responded with no concerns (Exhibit E-5); and
- Life Safety Review Section of BDS responded with no objections to the approval of the requested Adjustments and provided information about building permit requirements (Exhibit E-6).

**Neighborhood Review:** No written responses were received from either the Neighborhood Association or notified property owners in response to the Notice of Proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### 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 three Adjustments. The respective Adjustment and purpose statement is identified below:

Adjustment #1: For the ADU, reduce the minimum side (east) building setback from 5 feet to 3 feet, including an eave overhang. The purpose of the setback requirement in the R5 zone is stated in Zoning Code Section 33.110.220.A:

*The setback regulations for buildings and garage entrances serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for fire-fighting;*
- *They reflect the general building scale and placement of houses in the city's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Maintain light, air, and separation, and promote a reasonable physical relationship between residences: The proposal meets this part of the purpose for the following reasons:

- The height of the ground floor ADU wall facing the east side property line is 10 feet, equating to a one-story structure (Exhibit C-3).
- The Residential Life Safety Plan Review comments state that fire rating of building materials is required for structures less than 3 feet from property line (Exhibit E-6). Fire-rated materials are not required for the ground floor ADU wall because it is set back 3 feet-2-inches from the east property line. The proposed eave will require fire-rating because they are less than three feet from the property line.
- The 2<sup>nd</sup> story dormer wall facing the east side property line is set back 5 feet, which meets the minimum 5-foot side setback of the R5 zone.

- Adequate access for fire-fighting is provided both in front of and west of the ADU. The Fire Bureau review the proposal and has no concerns about fire protection or access for fire-fighting (Exhibit E-4).
- The closest residential structure is the neighboring house to the east of the site, located 30 feet from the proposed ADU. This distance provides adequate separation and provides a reasonable physical distance between residential buildings. For comparison, the R5 zone side and rear setbacks require a minimum separation distance of only 10 feet (given a 5-foot setback on two adjacent lots).

Reflect general building scale and placement: As shown on the aerial photo below, several properties within the subject block containing the site have detached accessory structures located close to side or rear property lines. Examples of such structures are identified as white boxes:



Therefore, the reduced east side setback of the proposed ADU reflects the general building scale and placement of development in the nearby neighborhood.

Promote options for privacy: With conditions, the proposal meets this part of the purpose for the following reasons:

Two windows are proposed at the ground level east elevation (Exhibit C-4). Windows located close to property lines are a privacy concern for the residents of the adjacent lot. Simply removing the windows or adding opaque or patterned glazing are possible options to mitigate for privacy impacts. Instead, the applicant proposes a sight-obscuring fence along a portion of the east property line, coinciding with the ADU and rear patio. The 7-foot-tall fence begins at the front wall of the ADU and continues 55 feet to the southern end of the patio (Exhibit C-2). A sight-obscuring fence will help block views from the ADU windows to the east property line. As shown, the fence height must be at least 7 feet in height to provide adequate screening. Because the fence is important for maintaining privacy for the residents on the adjacent lot; a condition is needed requiring that the sight-obscuring fence be installed at the time of the ADU building permit. The F2 standard of Chapter 33.248, provides standards for the fence materials.

The east-facing dormer wall contains three windows and is proposed at 5 feet from the side property line, which meets the minimum required R5 side setback (Exhibit C-4). To protect privacy for the adjacent lot, a second condition is needed to ensure that this minimum 5-foot distance is maintained for the dormer wall.

Require larger front setbacks: The existing house will remain and is set back approximately 15 feet from the front property line, which exceeds the minimum setback of 10 feet. The ADU is set back 21.5 feet from the front property line, but because ADUs must be set back at least 40 feet, an Adjustment is requested to reduce the minimum ADU setback (a separate standard), which is evaluated in the findings below.

Provide adequate flexibility: Regarding the ADU location within the required side setback, the proposed detached ADU is compatible with development in the neighborhood, as shown in the aerial photo of the subject block. Further, it fits with the relatively level topography of the site, the required outdoor area will be maintained for the existing house, and the location allows for architectural diversity.

Provide room for a car: This part of the purpose statement refers to the minimum 18-foot garage entrance setback (which is long enough to allow a car to park on the driveway in front of the garage entrance). Because a garage is not proposed, this statement doesn't apply to the proposal. However, the applicant is requesting an Adjustment to allow two on-site parking spaces to be located within the front setback area. This Adjustment #3 is evaluated in the findings below.

Adjustment #2: For the ADU, reduce the minimum setback from 40 feet to 21.5 feet (Section 33.205.040.C.3). The purpose statement is:

*The standards for creating accessory dwelling units address the following purposes:*

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

The proposed ADU is in the same location as an existing single story detached garage that will be removed. The house was constructed in 1908 but the garage was likely constructed decades later, after the house site was expanded to include it. Aerial photos maintained by the City show a detached structure, likely the existing garage, in 1975. Therefore, a detached structure has been part of the site's development and part of the neighborhood character for at least 47 years. The ADU respects the general building placement of structures because it is in the same location of the garage and because the height and scale is similar with the height and scale of other detached structures in the nearby residential area. The ADU footprint is 18 by 32 feet, while the second story is reduced to 14 by 24 feet. The height is no more than 15 feet, as measured from the midpoint of the main gable roof line. Both dormer roof peaks are at a point 9 inches below the main roof peak and therefore become secondary features of the ADU, effectively reducing the mass or overall bulk of the building. Another important design feature is the dormer walls are set back 2 feet from the ground level walls at the sides (east and west) and set back 4 feet from the front and rear ground level walls (south and north) (Exhibit C-6).

The proposed front elevation of the ADU retains and enhances the residential "garage" style with entry doors that appear as garage carriage doors. A row of divided windows across the top of the doors adds interest and allows for views into and from the interior, views which will not be blocked by parked vehicles (Exhibit C-3).

The term "Desired Character" is defined in Section 33.910.030 as:

*"The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also*

*includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.”*

Following, the character statement of the R5 zone (Chapter 33.110) is:

*“The Single-Dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households... The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.”*

The proposed ADU is compatible with the R5 character because it adds a dwelling unit to the site that is smaller in scale and mass than the existing two-story house (Exhibit C-5) and fits into the building pattern of the immediate residential area. The house is located approximately 15 feet from the front property line (excluding the front porch), while the garage is set back farther, 21.5 feet from the front property line. This reduces the prominence of the ADU. As stated previously, the ADU is in the same location as an existing garage and as such will not disrupt the neighborhood development pattern.

A fence is required along the east property line to minimize impacts on privacy. Lastly, the subject site area is 7,200 square feet, much larger than the R5 minimum site area of 3,000 square feet. The placement of the ADU in the existing garage will allow both the primary home and the ADU to have large outdoor space dedicated to each dwelling unit. The existing development pattern will remain.

In consideration of the above, the proposal meets the purpose of the ADU setback.

Adjustment #3: The applicant is requesting an Adjustment to reduce setback distance for two onsite parking spaces from 10 feet to 3.5 feet (Section 33.266.120.C.2). Put another way, the request is to allow the on-site parking spaces to be located within the 10-foot front setback (The proposed combined driveway and parking spaces are 21.5 feet in length, whereas the requirement is 28 feet in length to accommodate the 10-foot setback and 18-foot long parking space).

The purpose of the vehicle parking requirements for houses is found in Section 33.266.120.A:

*The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.*

With conditions identified below, the proposal meets this part of the purpose for the following reasons:

- The length of the onsite paved area is 21.5 feet, which is adequate area to park a standard-sized vehicle without overhanging the public sidewalk.
- The site has 72 feet of frontage, which allows a driveway width of up to 28 feet. The proposed combined driveway and parking space width is only 18 feet and therefore, the impact of the proposed two parking spaces is mitigated by the remaining 54 feet of frontage which is dedicated to landscaping or pedestrian walkways (Exhibits C-1 and C-2).
- To screen the parking spaces from adjacent properties and the street view, the applicant proposes linear “strips” of landscape areas at both edges of the parking spaces. Staff supports this proposal as the landscaping will enhance the neighborhood appearance and pedestrian environment by screening parked vehicles close to the sidewalk. However, measurements of the landscape areas and specific plant species and amounts are not identified. To ensure year-round screening and adequate area for plant growth, a condition is needed that requires each of the two

screening landscape areas to be at least 3 feet in width and planted with low-growing evergreen shrubs.

In conclusion, each of the three proposed Adjustments equally meet the intent of the regulations, with the conditions identified below:

- A sight-obscuring fence must be installed along the east property line shown on Exhibit C-2, to the F2 standard of Chapter 33.248, except the fence height must be at least 7 feet.
- The exterior east-facing dormer wall must be set back at least 5 feet from the east property line.
- Two landscape screening areas must be established, parallel to the driveway and parking spaces. The landscape areas must be at least 3 feet in width, 21.5 feet in length, and planted with low growing evergreen shrubs. Selected shrub species, quantities and locations must meet the requirements of Chapter 33.248, Landscaping and Screening.

As conditioned, 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 subject site is in a residential zone (R5), the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed in the findings for Approval Criterion A, the proposed ADU maintains light, air, and separation; reflects the general building scale and placement; promotes a reasonable physical relationship between residences; and promotes options for privacy. Conditions are needed to improve the pedestrian environment and neighborhood compatibility and mitigate for privacy impacts on nearby residents. A sight-obscuring fence at the east property line must be installed and landscaping areas added to both edges of the driveway and parking spaces. The second-story dormer wall facing the east, (reduced setback area) must be set back 5 feet from the east property line. With these conditions and approval of the Exhibit C plans attached to this report, the proposal will not significantly detract from 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:** The overall purpose of the R5 zone is stated and discussed in the findings of Criterion A above. Three Adjustments are requested, and therefore this criterion applies to the proposal. However, each of the Adjustments relate to development standards in different Zoning Code chapters with separate purpose statements (allowing parking spaces within the front yard area (Chapter 33.266), reducing the R5 side building setback (Chapter 33.110), and reducing the ADU front setback (Chapter 33.205)). The three standards are focused on specific aspects of a development and are not intended to work together to control overall bulk or size, or other building design or site features. The conditions recommended in the findings of this report work to minimize negative impacts on privacy, neighborhood livability and the pedestrian environment. As conditioned, the cumulative effect is minimal and as conditioned, the proposal is consistent with the purpose of the R5 zone. This criterion is met.

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

**Findings:** City-designated scenic resources are identified on the Official Zoning 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. Because no scenic or historic resource designations are mapped on the subject site, this criterion does not apply.

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

**Findings:** As discussed in the findings for Approval Criteria A and B, the proposal as conditioned equally meet the purposes of the regulations to be modified and will have no adverse impacts on the livability or appearance of the residential area. Therefore, this criterion is met.

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

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). Because no environmental overlay zone is mapped on the subject 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 requirements of Title 11 can be met, and 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 ADU requires three Adjustments to development standards: reduce the east side setback, allow parking spaces to be within the first 10 feet of the front property line, and reduce the front setback required for ADUs. The site is 7,200 square feet and the existing two story house is a prominent feature. The ADU is the same location as a detached garage, which will be removed. These site conditions, along with the ADU design features and recommended conditions, result in a proposal that equally meets the purpose of the subject development standards. Adverse impacts on the livability and appearance of the surrounding residential neighborhood are not identified or expected. The applicant has demonstrated that the applicable approval criteria have been met and the proposal should be approved.

## ADMINISTRATIVE DECISION

Approval of the following three Adjustments for a new one-and-one-half story detached accessory dwelling unit (ADU):

1. Reduce the minimum side (east) building setback from 5 feet to 3 feet, including an eave overhang (Section 33.110.220.B and Table 110-4);
2. Reduce the minimum ADU setback from 40 feet to 21.5 feet (Section 33.205.040.C.3); and
3. Reduce the minimum setback distance for two side-by-side onsite parking spaces from 10 feet to 3.5 feet (Section 33.266.120.C.2).

All approvals are per the approved site plans, Exhibits C-1 through C-6, signed and dated June 3, 2022, subject to the following conditions:



- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-096438 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The applicant must install a fence along a portion of the east property line prior to final approval of the ADU building permit. The fence line location must extend at least 55 feet along the east property line, beginning at the front wall of the ADU and extending at least to the rear edge of the ADU patio as shown in Exhibit C-2. The fence must meet the F2 Standard of Chapter 33.248, except it must be at least 7 feet in height. The required fence location and fence elevation drawing must be part of the ADU building permit application plans.
- C. The east-facing exterior ADU dormer wall must be set back at least 5 feet from the east side property line.
- D. Two landscape areas must be established, parallel to and at the edges of the driveway and parking spaces as shown on Exhibits C-1 and C-2. The landscape areas must be at least 3 feet in width and planted with low growing evergreen shrubs. Selected evergreen shrub species, quantities and locations must meet the requirements of Chapter 33.248, Landscaping and Screening.

**Staff Planner: Marguerite Feuersanger**

**Decision rendered by:**  **on June 3, 2022.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 7, 2022.**

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

**Procedural Information.** The application for this land use review was submitted on October 15, 2021 and was determined to be complete on April 6, 2022.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on October 15, 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 further extended by the applicant, **the 120 days will expire on August 4, 2022.**

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on June 21, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in 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 Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

**Recording the final decision.**

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

- *Unless appealed*, the final decision will be recorded after **June 21, 2022**, by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Original Submittal
  2. Resubmittal, January 18, 2022
  3. Resubmittal, February 25, 2022
  4. Resubmittal, April 4, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Enlarged ADU Site Plan (attached)
  3. North and South ADU Elevations (attached)
  4. East and West ADU Elevations (attached)
  5. House and ADU Elevation (attached)
  6. Floor Plans (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Life Safety Residential Plan Review Section of BDS
- F. Correspondence:
 

None.
- G. Other:
  1. Incomplete Application letter to applicant, October 28, 2022
  2. Second letter to applicant regarding incomplete application, January 20, 2022
  3. Third letter to applicant regarding incomplete application, February 28, 2022

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**