



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

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**Date:** August 29, 2013  
**To:** Interested Person  
**From:** Douglas Hardy, 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 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 13-184533 CU**

#### **GENERAL INFORMATION**

**Applicant:** Mark Dane / Mark Dane Planning, Inc.  
13630 SW Butner Road / Beaverton, OR 97005

**Owner:** Calvary Evangelical Lutheran Church of Portland  
8040 SE Woodstock Boulevard / Portland, OR 97206

**Site Address:** 8026 SE Woodstock Boulevard

**Legal Description:** Block 1, Lot 2-6 & 14-19, Laurahill Pk; Block1, Lot 7, E 40' of Lot 8, Laurahill Pk

**Tax Account No.:** R477300040, R477300290

**State ID No.:** 1S2E17DD 00500, 1S2E17DD 00600

**Quarter Section:** 3638

**Neighborhood:** Mt. Scott-Arleta, contact Nicole Green at 503-816-1310

**Business District:** 82<sup>nd</sup> Avenue of Roses Assoc, Frank Harris at 503-774-2832

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010

**Zoning:** R2a - Multi-Dwelling Residential 2,000, with an Alternative Design Density overlay  
R1a Multi-Dwelling Residential 1,000, with an Alternative Design Density overlay  
CGb General Commercial, with a Buffer overlay

**Case Type:** Conditional Use Review (CU)

**Procedure:** Type II, Administrative decision with appeal to the Hearings Officer

#### **PROPOSAL**

The applicant is requesting to reduce the site boundary of an existing Conditional Use that is currently developed with the Calvary Lutheran Church. The portion of the site that will be removed from the boundary (Block 1, Tax Lot 7 and the east 40 feet Lot 8) is located in the northwest corner of the property, and is 7,813 square feet in size. The remaining church site will be 32,899 square feet. The portion of the site to be removed from the boundary of the Conditional Use is currently developed with a 3,430 square foot building that was previously

used as a residence by the church and a daycare facility. No required development associated with the church is located on this portion of the site.

The Zoning Code states that a change to an existing Conditional Use that will result in a loss of site area is subject to a Type II Conditional Use review if such a change does not take the site out of conformance, or further out of conformance, with any development standards (such as minimum lot area, minimum building setbacks, minimum required parking, etc.). Therefore, the applicant is requesting a Type II Conditional Use review to reduce the site area of the existing Conditional Use.

#### **RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Zoning Code Section 33.815.105 (Institutional and Other Uses in R Zones.)

#### **ANALYSIS**

The existing Conditional Use boundary of the Calvary Lutheran Church encompasses a land area of 40,712 square feet. The boundary extends from SE Woodstock Boulevard to the north, SE Martins Street to the south, and just west of SE 82<sup>nd</sup> Avenue. Development within the existing Conditional Use boundary includes a two-story church/assembly area building that is oriented to SE Woodstock Boulevard, and a surface parking lot located east of the building. The portion of the site that is proposed to be removed from the Conditional Use boundary is 7,813 square feet in area, and fronts SE Woodstock Boulevard. It is developed with a 3,430 square foot, one and one-half story building that was previously used as a residence by the church and a daycare facility. No required development associated with the church, including any required landscaped screening along property lines, is located on this portion of the site.

The surrounding area within a block of the site is developed with low-density residential uses along SE Woodstock Boulevard and SE Martins Street, with one-story commercial uses along SE 82<sup>nd</sup> Avenue.

**Zoning:** There are three different zones mapped on the existing Conditional Use site (see Exhibit B). The majority of the Conditional Use site fronting SE Woodstock Boulevard (including the portion of the site that is to be removed from the boundary of the Conditional Use) is located in a Multi-Dwelling Residential 2,000 (R2) zone, and mapped with the Alternative Design Density (“a”) overlay zone. The majority of the Conditional Use site fronting SE Martins Street is located in a Multi-Dwelling 1,000 (R1) zone, and is also mapped with the “a” overlay zone. A sliver of the site, on its eastern edge and extending from SE Woodstock Boulevard to SE Martins Street, is located in a General Commercial (CG) zone, with a Buffer (“b”) overlay zone.

The use regulations of the Multi-Dwelling zones are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for large scale institutional campuses and other nonresidential uses such as religious institutions but not to such an extent as to sacrifice the overall residential neighborhood image and character. The development standards of the Multi-Dwelling zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City’s character.

The R2 zone is a low-density, multi-dwelling zone. It allows approximately 21.8 dwelling units per acre, with allowed densities up to 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses.

The R1 zone is a medium density multi-dwelling zone that allows approximately 43 units per acre, with densities allowed as high as 65 units per acre if amenity bonus provisions are used. Allowed housing in the R1 zone is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses.

The CG zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

The purpose of the "a" overlay zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The "b" overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

**Land Use History:** City records identify several previous land use reviews being approved on the existing Conditional Use site:

- PC 3883C: Approval of a Conditional Use in 1960 to allow kindergarten classes in the social room of an existing church on the property. This Conditional Use Review identified the boundary of the Conditional Use site as Lots 2 through 6 and 14 through 19, Block 1, Laurahill Park. Churches (classified by the Zoning Code as being in the Religious Institution use category) are a Conditional Use in the Multi-Dwelling zones. Given there is no land use history prior to this 1960 case for a Conditional Use that allowed a church on the site, it is likely the church was established on the site prior to Zoning Code regulations that required a Conditional Use.
- CU 65-64: Approval of a Conditional Use in 1964 to allow a church expansion onto Lot 7 and Lot 8 (except the west 10 feet), Block 1, Laurahill Park. This is the lot that the applicant requests be removed from the Conditional Use boundary.
- LU 13-157487 CU: Approval with conditions of a Conditional Use in 2013 to remove a lot (Lot 14, Block 1, Laurahill Park) from the Conditional use boundary of the Calvary Lutheran Church site.

**Agency Review:** A Notice of Proposal was mailed August 1, 2013. The following City bureaus have responded with no issues or concerns regarding the requested land use review:

- Portland Water Bureau (Exhibit E.1);
- Portland Fire and Rescue (Exhibit E.2);
- Police Bureau (Exhibit E.3);
- Bureau of Development Services Site Development Section (Exhibit E.4);
- Portland Parks and Recreation Urban Forestry Division (Exhibit E.5); and
- Bureau of Environmental Services (Exhibit E.6).

The Portland Bureau of Transportation (PBOT) reviewed the proposal for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted transportation policies and street designations (Exhibit E.7). PBOT notes that as the site to be removed from the Conditional Use boundary is currently developed with a single-dwelling, and will continue to be used as such, there will be no impacts on transportation facilities. Furthermore, as long as the site is developed with uses that are allowed outright in the R2 base zone, there will be no transportation-related approval criteria or required PBOT review for such development. Any future expansion of buildings or uses on the remaining Conditional Use site will be reviewed for impacts on transportation facilities as part of a required Conditional Use review, including on-site parking.

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners regarding the requested land use review.

## ZONING CODE APPROVAL CRITERIA

### Conditional Uses

#### 33.815.040 Review Procedures

#### B. Proposals that alter the development of an existing conditional use.

**Findings:** Paragraph 2.a(2) of this Zoning Code section states that when there will be a net loss in Conditional Use site area that will not take the site out of conformance, or further out of conformance, with a development standard, a *Type II* Conditional Use review is triggered. Paragraph 2.b of this Zoning Code section states that all other alterations to the site are reviewed as a *Type III* Conditional Use review.

The development standards for churches (considered an institutional use) in Multi-Dwelling zones are identified in Zoning Code Section 33.120.277. The principal development standards are listed in Table 120-5, and are as follows:

- Minimum Site Area: 10,000 square feet.  
The Conditional Use site, following the removal of Block 1, Tax Lot 7 and the east 40 feet Lot 8, will be 32,899 square feet. This standard will continue to be met.
- Maximum Floor Area Ratio: 2 to 1.  
The floor area ratio following the reduction in the Conditional Use boundary will be approximately 0.25 to 1. This standard will continue to be met.
- Maximum Height: 75 feet.  
Reducing the size of the Conditional Use boundary is unrelated to building height.
- Minimum Building Setback: One foot back for every two feet of building height, but in no case less than 10 feet.

Because the church has a roof that with pitch steeper than 12:12, the height of the building is measured to the top of the roof, for a building height of approximately 38 feet. The institutional standards require a building of this height to be set back a minimum of 19 feet from all lot lines. Removing Tax Lot 7 and the east 40 feet Lot 8 will result in a portion of the west lot line for the Conditional Use site lot coming 90 feet closer to the church building. However, a setback of approximately 21 feet will still be provided between the relocated Conditional Use boundary and the church building, thereby meeting the minimum setback standard.

- Maximum Building Coverage: 70 percent of the Conditional Use site.

The building coverage on the remaining Conditional Use site will be approximately 18 percent. This standard will continue to be met.

- Minimum Landscaped Area: 20 percent of the Conditional Use site.

The landscaped area on the remaining Conditional Use site will be approximately 65 percent. This standard will continue to be met.

- Buffering from an Abutting Residential Zone: 10 foot wide area landscaped to the L3 standard.

The L3 standard, as identified in Zoning Code Section 33.248.020.C, consists of trees planted 15-30 feet on center (depending on the size of trees), and shrubs that will form a six foot high screen. There is currently no such screening between the existing church site and the adjacent residentially zoned lots. Therefore, the request will not take the site further out of conformance with this standard.

- Buffering Across the Street from a Residential Zone: 10 foot wide area landscaped to the L1 standard.

The L1 standard, as identified in Zoning Code Section 33.248.020.A, consists of trees planted 15-30 feet on center (depending on the size of the trees). There is currently no such landscaping along the Conditional Use site's SE Woodstock Boulevard street frontage. As such, the request will not take the site further out of conformance with this standard.

- Minimum Setback for Detached Accessory Structures: 10 feet.

There are no identified accessory structures on the site that would be affected by the request to reduce the boundary of the Conditional Use site. This standard will continue to be met.

- Parking and Loading: Minimum of one on-site parking space per 100 square feet of main assembly area, or per Conditional Use. Loading requirements are also determined through the Conditional Use review.

Existing parking for the church use is located on the eastern portion of the site, with no on-site loading space identified. There is no loading space or parking area on the portion of the site to be removed from the Conditional Use boundary (other than a driveway leading to a single-car garage that is used by the residence). As there are no parking or loading spaces associated with the church use on the portion of the site to be removed from the Conditional Use boundary, this standard will continue to be met.

The only other development standard of the Multi-Dwelling zones that is not included in Table 120-5 and that is relevant to this site is the requirement for a paved pedestrian connection between a building's main entrance and the street. This standard will be unaffected by the requested to remove Tax Lot 7 and the east 40 feet Lot 8 from the boundary of the existing Conditional Use. The church building will continue to have a paved pedestrian connection that leads directly from the main entrance to the adjacent SE Woodstock Boulevard.

As the request to remove Tax Lot 7 and the east 40 feet Lot 8 from the boundary of the existing Calvary Lutheran Church Conditional Use site will not take the site out of conformance, or further out of conformance, with any of development standards that apply to institutions in this zone, the request can be processed as a *Type II* Conditional Use.

## **Conditional Uses**

### **33.815.105 Institutional and Other Uses in R Zones**

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living

uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

**A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

**Findings:** The residential appearance and function of the area will be increased by the request as there will be a decreased proportion of the site in institutional use. The 40,712 square foot site that is entirely in institutional use (a church) will be reduced in area, returning 7,813 square feet of land area to residential use. Promoting opportunities for residential use is consistent with the purpose and function of the underlying R2 zone. Removing the property from the Conditional Use boundary will be consistent with the desired appearance of the residential zone as now only those uses allowed outright by the R2 zone would be permitted on this property. Any future changes to development on the property would be the required to meet the same R2 zone standards that apply to surrounding residential properties along SE Woodstock Boulevard.

This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** Removing the property from the boundary of an existing Conditional Use precludes the opportunity for it to be developed for a non-Household Living use (unless approved by a future Type III Conditional Use review). Removing the property from the boundaries of the existing church precludes the property from being used for the expansion of the church, or any other institutional use, which would potentially increase the intensity and scale of a non-Household Living use in this residential neighborhood. Being located outside the Conditional Use boundary, the property can only be used for development that meets the standards of the underlying R2 Multi-Dwelling zone.

This criterion is met.

**B. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and

**Findings:** City-designated scenic resources are identified in the *Scenic Views, Sites and Drives Inventory*, published in March 1989. This document does not identify any scenic resources on the subject site. As such, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; **or**
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

**Findings:** As stated above, development on the property to be removed from the Conditional Use boundary will be required to conform to the standards of the underlying R2 Multi-Dwelling zone. These standards regulate such things as maximum building height, minimum building setbacks, and maximum building coverage. These are the same standards that regulate development in the surrounding residential neighborhood that is mapped with the R2 zone. As such, the appearance of development will be more compatible with the intended style of residential development in the neighborhood than development allowed under the more permissive institutional standards.

This criterion is met.

- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- 1. Noise, glare from lights, late-night operations, odors, and litter; and**
- 2. Privacy and safety issues.**

**Findings:** The proposal will increase livability for the surrounding residential neighborhood by removing property from the boundary of a Conditional Use. Being within the boundary of a Conditional Use, the property could be developed and used for an institutional use that has the potential to have impacts related to noise, glare, late night operations, odors, litter, privacy and safety that are different than those associated with an allowed residential use. The proposal will remove the potential for the property to be developed with an institutional use and allow it to be used and/or redeveloped for residential purposes.

This criterion is met.

- D. Public services.**

- 1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;**

**Findings:** The street adjacent to the portion of the site to be removed from the Conditional Use boundary, SE Woodstock Boulevard, is designated in the Transportation Element of the *Comprehensive Plan* as follows:

<b>Traffic</b>	<b>Transit</b>	<b>Bicycle</b>	<b>Pedestrian</b>	<b>Freight</b>
Neighborhood Collector	Transit Access Street	City Bikeway	City Walkway	n/a

Traffic

Policy 6.5.E of the *Comprehensive Plan* states that intended land uses and development located along Neighborhood Collectors should not attract a significant volume of traffic from outside the neighborhood. The request to reduce the Calvary Lutheran Conditional Use boundary is consistent with the intended use and development along such traffic streets. The request returns the property to be removed from the boundary to residential use, which will not attract significant traffic from outside the neighborhood.

Transit

Policy 6.6.C of the *Comprehensive Plan* that addresses Transit Access Streets contains no specific intents for desired land uses and development on such transit streets when located in a multi-dwelling residential zone. As such, the request to remove the

property from the Conditional Use boundary is consistent with the Transit Access Street designation along SE Woodstock Boulevard.

#### Bicycle

Auto-oriented uses are discouraged from locating on designated City Bikeways (Policy 6.7.A). As the land use review request will remove property from the boundary of an institutional Conditional Use and return it to multi-dwelling residential use (a non auto-oriented use), the request is supportive of this Policy 6.7A.

#### Pedestrian

City walkways are intended to provide safe, convenient and attractive pedestrian access between neighborhoods (Policy 6.8.C). City walkways are also intended to serve areas with dense zoning. As the land use request has no impact on the ability to maintain a safe, convenient and attractive pedestrian access along the site's street frontage, and will return a property to multi-dwelling residential use, the proposal is supportive of this policy

#### Summary

As the request is supportive of the street designations mapped along the adjacent SE Woodstock Boulevard, this criterion is met.

- 2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;**

**Findings:** PBOT reviewed the Conditional Use request for conformance with this approval criterion (Exhibit E.7), and provided the following comments:

*Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.*

*Since the area to be removed from the conditional use boundary has an existing dwelling unit, and there are no proposed changes to that unit, there will be no impacts on transportation facilities. Any future expansion of buildings or uses on the remaining conditional use site will have to document adequacy of transportation facilities including on-site parking. At this time, there are no proposed plans for expanding uses on the remaining portion of the conditional use site. Future development of the area removed from the conditional use site will be subject to the base zone development standards. If the site is developed with housing meeting base zone standards, there will be no transportation related approval criteria.*

#### **Transportation System Development Charges (Chapter 17.15)**

*System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.*

#### **Driveways and Curb Cuts (Section 17.28)**

*Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.*

**Recommendation***No objection to approval.*

Based on PBOT's findings, the request will have no impact on the transportation system, and this criterion is met

**3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.**

**Findings:** The affected service bureaus have responded with the following comments:

Portland Water Bureau

The Portland Water Bureau notes that there is an existing one inch meter service and two inch metered fire service on the property to be removed from the Conditional Use boundary (Exhibit E.1). These meters receive water from an eight inch main in SE Woodstock Boulevard. The Water Bureau has reviewed the requested land use review for its potential impact on water supply, and has no objections.

Portland Fire and Rescue

Portland Fire and Rescue has no issues with the ability of their bureau to serve the subject site (Exhibit E.2).

Police Bureau

The Police Bureau reviewed the proposed land use request and determined the bureau is capable of serving the proposed change at this time (Exhibit E.3).

Bureau of Development Services Site Development Section

The Bureau of Development Services Site Development Section noted that historic plumbing records indicate that the house on the lot to be removed from the Conditional Use boundary was constructed in 1957 and historically was served by a cesspool located northeast of the building (Exhibit E.4). City records do not show that the septic system on the site was decommissioned when the house was connected to the public sewer in the 1990s. At this time, no action is required. However, if future building additions are proposed within 10 feet of the assumed location of the septic tank, the applicant will be required to decommission the tank under permit. If the building is demolished in the future, the applicant will be required to decommission the tank under permit. Site Development notes that septic tanks can collapse. If the applicant wishes to decommission the tank proactively, s/he may obtain a Sanitary Evaluation permit at the Trades Counter in the Development Services Center.

Bureau of Environmental Services

The Bureau of Environmental Services (BES) reviewed the Conditional Use request for conformance with this approval criterion (Exhibit E.6), and provided the following comments:

**A. SANITARY SERVICE**

1. *Existing Sanitary Service: There is a public 8" PVC sanitary sewer in SE Woodstock that was constructed in 1995 and currently serves the structures addressed as 8026 and 8040 SE Woodstock Blvd (BES project # 4988).*
2. *Cesspool Decommissioning: See the Land Use Response from BDS Site Development for comments related to existing cesspool systems on this site.*
3. *Connection Requirements: Staff understands that no specific redevelopment proposal is to be reviewed with this application. The applicant should note that any proposed future connections to public sewers must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#).*

**B. STORMWATER MANAGEMENT**

1. *Existing Stormwater Management: There is no public storm-only sewer within either of this site's frontages. Both properties are served by individual drywells.*
2. *General Stormwater Management Requirements: Staff understands that no specific redevelopment proposal is to be reviewed with this application. For any future redevelopment plans, the applicant should note that they will be subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. The 2008 SWMM may be obtained at the City of Portland Development Services Center (1900 SW 4<sup>th</sup> Ave) and from the BES website ([www.portlandonline.com/bes/2008SWMM](http://www.portlandonline.com/bes/2008SWMM)).*

**C. CONDITIONS OF APPROVAL**

*None requested by BES staff.*

Based on these findings, BES does not object to approval of the Conditional Use application.

Summary

Based on the comments from the relevant service bureaus, public services are capable of serving the property to be removed from the Conditional Use boundary, and this criterion is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

**Findings:** The site is located within the boundaries of the *Outer Southeast Community Plan* and the *Mt. Scott-Arleta Neighborhood Plan*, both of which were adopted by City Council in March of 1996. On balance, the requested Conditional Use is consistent with the relevant policies and objectives of these plans, as identified below:

- Transportation Policy:

*Outer Southeast Community Plan*

Ensure that streets in Outer Southeast form a network that provide for efficient travel throughout the community and to other parts of Portland and the region. Reduce congestion and pollution caused by the automobile by creating land use patterns that support transit, bike and pedestrian travel.

Objectives under this policy advocate promoting increased housing densities within a one-quarter mile of transit streets, and creating opportunities to develop higher density housing on or near street with public transit. The Conditional Use request proposes removing a property from the boundary of a Conditional Use site, which will allow the property to be used/developed by-right for multi-dwelling residential densities permitted by the underlying R2 zone. This increases housing opportunities proximate to a frequent service bus line along SE 82<sup>nd</sup> Avenue, which is less than 500 feet from the subject site.

- Housing Policy:

*Outer Southeast Community Plan*

Provide a variety of housing choices for Outer Southeast community residents of all income levels by maintaining the existing sound housing stock and promoting new housing development. Relevant objectives under this policy include constructing 14,000 new housing units in the Plan Area by 2015, stimulating the production of housing to accommodate expected population growth, increasing opportunities for

building more single-dwelling units, and increasing opportunities for multi-dwelling housing in areas convenient to shopping and transit.

*Mt. Scott-Arleta Neighborhood Plan*

Improve Mt. Scott-Arleta's supply of housing by protecting existing homes and encouraging the construction of a variety of housing types on infill lots.

The requested Conditional Use is directly supportive of each of these policies and objectives. Removing the property from the boundary of the Conditional Use allows its use and development for a range of housing types on a site that is convenient to transit and shopping located along SE 82<sup>nd</sup> Avenue.

As proposed, the request will be supportive of the relevant policies and objectives of the *Outer Southeast Community Plan* and the *Mt. Scott-Arleta Neighborhood Plan*, and this criterion is 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 via a land use review prior to the approval of a building or zoning permit.

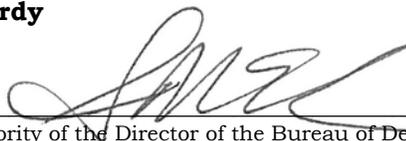
## CONCLUSIONS

The applicant has demonstrated the applicable approval criteria for the Conditional Use request have been met. The request will reduce the amount of land in the neighborhood that is in institutional use, thereby reducing the potential for increased intensity associated with institutional development. The type of uses and scale of development on the property to be removed from the boundary of the Conditional Use will be in keeping with that intended for residential development in the surrounding R2 zone. Issues of livability sometimes associated with an institutional use such as glare, noise, late night operations and litter are less a factor with residential development that will now be allowed outright on the property. Additionally, City service bureaus have determined public services are adequate to serve development allowed by this land use review.

## ADMINISTRATIVE DECISION

**Approval** of a Conditional Use (Zoning Code Section 33.815.105) to allow the property identified in Exhibit C1 (signed and dated August 26, 2013) to be removed from the boundaries of an existing Conditional Use site.

**Staff Planner: Douglas Hardy**

**Decision rendered by:**  **on August 26, 2013.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 29, 2013**

**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 July 24, 2013, and was determined to be complete on August 1, 2013.

*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 July 24, 2013.

*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 November 29, 2013.**

**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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 12, 2013**, at 1900 SW Fourth Avenue. 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. 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 Hearings Officer 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 Hearings Officer 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 **September 13, 2013**.
- 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.

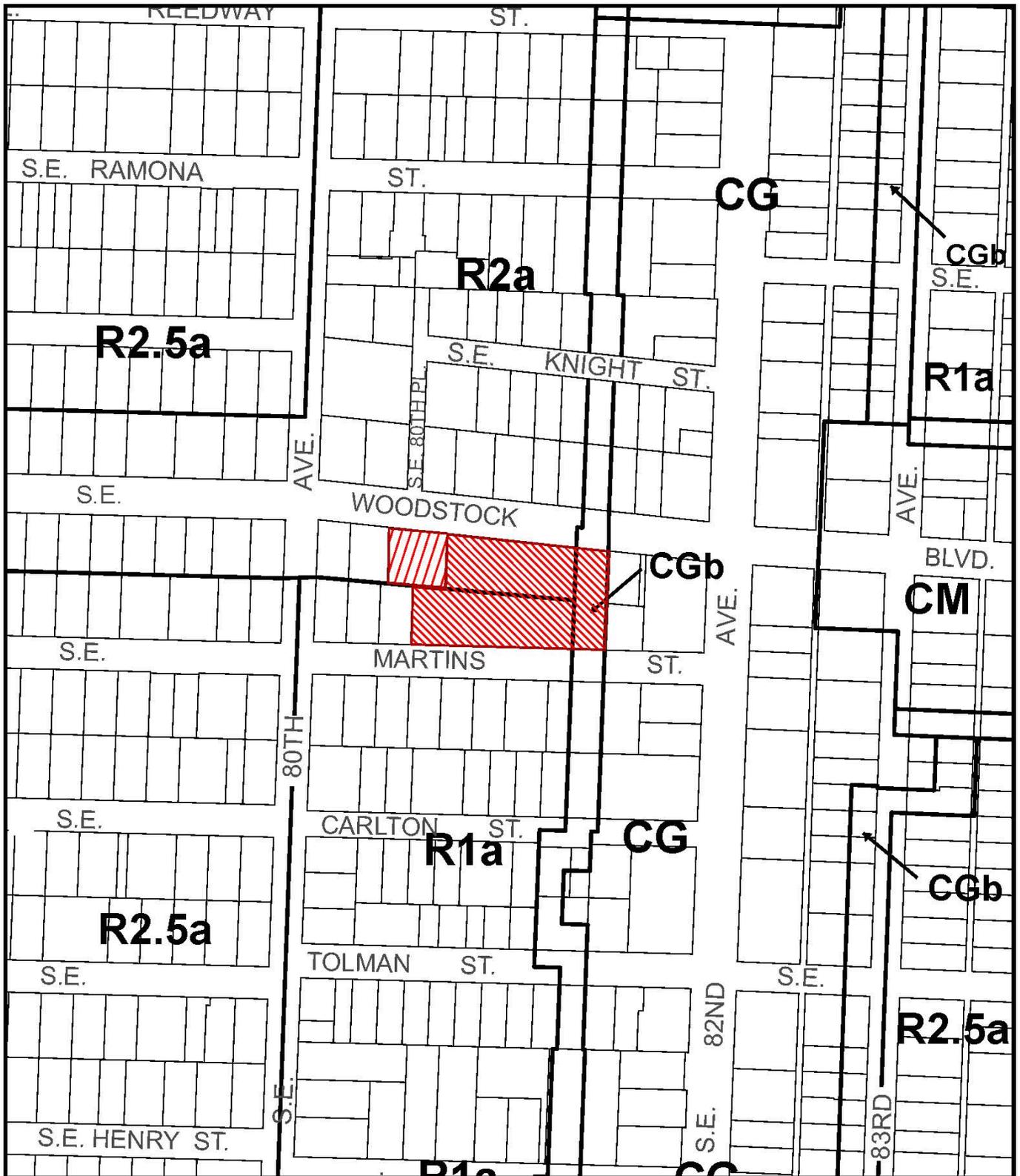
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Portland Water Bureau

2. Portland Fire and Rescue
  3. Police Bureau
  4. Bureau of Development Services Site Development Review Section
  5. Bureau of Parks, Forestry Division
  6. Bureau of Environmental Services
  7. Portland Bureau of Transportation
- F. Correspondence (none)
- G. Other:
1. Original LU Application
  2. Land Use Case CU 65-64

**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



Site, Lots to be removed from Conditional Use Boundary



File No. LU 13-184533 CU

1/4 Section 3638

Scale 1 inch = 200 feet

State\_Id 1S2E17DD 500

Exhibit B (Jul 30, 2013)

