



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 10-151807 CU (HO 4110003)

Applicant: Portland School District #1j
PO Box 3107
Portland, OR 97208-3107

Applicant's Representative: Justin Dollard
PPS
501 N Dixon
Portland, OR 97208-3107

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sylvia Cate

Site Address: 7100 SE Division Street

Legal Description: TL 12800 2.14 ACRES, SECTION 05 1S 2E; TL 6900 5.39 ACRES, SECTION 08 1S 2E; TL 400 1.42 ACRES, SECTION 08 1S 2E

Tax Account No.: R992052530, R992080220, R992081060; R333341

State ID No.: 1S2E05DC 12800, 1S2E08AB 06900, 1S2E08BA 00400, 1S2E08BA 6800

Quarter Section: 3237

Neighborhood: South Tabor

Business District: Eighty-Second Avenue

District Neighborhood Coalition: Southeast Uplift

Plan District: None

Zoning: R2a and OS: Multi-Dwelling Residential 2,000 with Alternative Design Density and Open Space

Land Use Review: Type III, CU Conditional Use

BDS Staff Recommendation to Hearings Officer: Approval with a condition

Public Hearing: the hearing was opened at 9:00 a.m. on March 21, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:19 a.m. The record was closed at that time. The Applicant waived Applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record.

Testified at the Hearing:

Sylvia Cate, BDS Staff Representative, 1900 SW 4th, Portland, OR 97201

Justin Fallon Dollard, Portland Public Schools, 501 N Dixon, Portland, OR 97208

Proposal: Portland Public Schools (PPS) currently operates the Pioneer Program at this site, which serves special-education students. PPS proposes to enroll grades pre-kindergarten through 12th grade across all three buildings on the site so that the site can function as a single, comprehensive campus for special education students. Thus, the request is for Conditional Use approval to add grades 6 through 12 to the existing site. No new development is proposed.

The Pioneer Program serves special education students from pre-kindergarten to 21 years old, who are unable to be successful in less restrictive school environments. The program is proposed to add the additional grades and thus students will be in attendance in all three buildings on the site. This program runs year-round to help students with social/emotional needs, fragile mental health, or developmental disabilities with life skills, GED preparation, vocational training and community transition services. The Applicant notes that due to the various conditions these students have, those in the upper grades will not drive to campus.

Relevant Approval Criteria:

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

- 33.815.100, Uses in the Open Space Zone
- 33.815.105, Institutional Uses in the R zones


Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated March 11, 2011, and to issue the following approval subject to the correction of two scrivener's errors:

- Page 3 of the Staff Report and Recommendation: Delete "but recommends a condition of approval, as discussed in detail, below, in this report." The sentence shall correctly state that "The Bureau of Transportation Engineering responded with no objections."
- Page 7 of the Staff Report and Recommendation: Replace the word "less" with "more." The sentence shall correctly state that "Therefore, at that time, the campus had a total enrollment of 396 students, significantly more than the anticipated total number when grades 6 through 12 are added."

Approval of:

- Conditional Use to add grades 6 through 12 to the Pioneer Program currently operating in all three buildings on the site, subject to the following conditions:
 - A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-151807 CU.

Basis for the Decision: BDS Staff Report in LU 10-151807 CU, Exhibits A.1 through H.2, and the hearing testimony from those listed above.


Gregory J. Frank, Hearings Officer

March 21, 2011
Date

Application Determined Complete:	January 3, 2011
Report to Hearings Officer:	March 11, 2011
Decision Mailed:	March 22, 2011
Last Date to Appeal:	4:30 p.m., April 5, 2011
Effective Date (if no appeal):	April 6, 2011 Decision may be recorded on this date.

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$ 3,862.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chairperson or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 the day the appeal period ends. The specific date will be noted in the Hearings Officer's decision.
- A building or zoning permit will be issued only after the final decision is recorded.

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

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application Narrative
 - 2. Transportation Impact Analysis (Lancaster)
 - 3. Request to extend 120-day clock
 - 4. Letter to file, June 29, 2010, re: fee payment
 - 5. Letter to file, June 30, 2010, re: land use application submittal
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. Bureau of Police
 - 8. Life Safety/Plans Examiner Section of Bureau of Development Services
- F. Letters: None received by publication date of the Staff Report
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre Application Conference Summary Notes
 - 4. Letter to Applicant, July 16, 2010; Additional information required
 - 5. Report and Decision of the Hearings Officer, Case File 98-00365 CU AD
- H. Received in the Hearings Office
 - 1. Hearing Notice - Cate, Sylvia
 - 2. Staff Report - Cate, Sylvia (**attached**)



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

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

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 10-151807 CU
 PC # 10-139414
REVIEW BY: Hearings Officer
WHEN: March 21, 2011 at 9:00 AM
WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

RECEIVED
 MAR 11 2011
HEARINGS OFFICE

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: SYLVIA CATE / SYLVIA.CATE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Portland School District #1j
 P O Box 3107
 Portland, OR 97208-3107

Representative: Justin Dollard, Main Contact
 PPS
 501 N Dixon
 Portland OR 97208-3107

Site Address: 7100 SE DIVISION ST

Legal Description: TL 12800 2.14 ACRES, SECTION 05 1S 2E; TL 6900 5.39 ACRES, SECTION 08 1S 2E; TL 400 1.42 ACRES, SECTION 08 1S 2E

Tax Account No.: R992052530, R992080220, R992081060; R333341

State ID No.: 1S2E05DC 12800, 1S2E08AB 06900; 1S2E08BA 00400, 1S2E08BA 6800

Quarter Section: 3237

Neighborhood: South Tabor, contact Bob Progulske at 503-774-1005.
Business District: Eighty-Second Avenue, contact Ken Turner at 503-484-6225.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Plan District: None

Zoning: R2a and OS: Multi-Dwelling Residential 2,000 with Alternative Design Density and Open Space

Case Type: CU Conditional Use
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

Portland Public Schools currently operates the Pioneer Program at this site, which serves special-education students. PPS proposes to enroll grades Pre-K through 12th grade across all three buildings on the site so that the site can function as a single, comprehensive campus for special education students. Thus, the request is for conditional use approval to add grades 6 through 12 to the existing site. No new development is proposed.

The Pioneer Program serves special education students from pre-kindergarten to 21 years old, who are unable to be successful in less restrictive school environments. The program is proposed to add the additional grades and thus students will be in attendance in all three buildings on the site. This program runs year-round to help students with social/emotional needs, fragile mental health, or developmental disabilities with life skills, GED preparation, vocational training and community transition services. The applicant notes that due to the various conditions these students have, those in the upper grades will not drive to campus.

Approval Criteria:

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

- 33.815.100, Uses in the Open Space Zone
- 33.815.105, Institutional Uses in the R zones

ANALYSIS

Site and Vicinity: The site comprises four parcels that total 10 acres of land area. The site is split zoned, with roughly 2.14 acres in the Multi-Dwelling Residential 2,000 zone, the balance, 7.86 acres, is zoned Open Space. The site is developed with three one-story buildings that are currently all in a school use, and all three buildings are currently serving Pre-K through 5th grade students who have special educational needs. The site is laid out as follows: the most northerly building on the site is a 30,000 square foot former convalescent hospital, which is currently known as the Holladay Annex. A parking lot with approximately 55 spaces is immediately south of the Annex building. The next building to the south is the Holladay Center, with an associated parking lot with 32 spaces. The final building on site is the Youngson Elementary School building, which has a 16-space parking lot southwest of the building. This building is also serving special needs students, and is *not* operating as a typical elementary school serving a diverse student body.

The immediately surrounding area is primarily residential in character. Most of the residential area abutting the site is zoned R5a or R2.5a. A relatively shallow band of R2 runs along the north and south side of SE Division in this area, with a large parcel abutting the site to the east, zoned R1a. A few non household living uses are in the nearby area, including a religious institution two blocks south of the site, and Warner Pacific College campus to the west and north, across SE Division.

Schools are allowed in both the R2 and the OS zones via Conditional Use approval.

Zoning: The site lies in two zones: R2a and OS: Multi-Dwelling Residential 2,000 with Alternative Design Density and Open Space.

The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. 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. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood

Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map.

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

In April 1959, the City Council adopted an ordinance [Ordinance # 109747] approving a convalescent hospital on the northern portion of the site [on the parcel that is zoned R2a].

In March 1972, a Conditional Use was approved for the construction of the Crippled Children's Education Center [later known as the Holladay Center] via Case File CU 13-72.

Case File CU 62-72 appears to have approved an increase in the number of beds within the convalescent hospital from 125 to 130. [City records are incomplete and the final decision document was identified as 'missing' circa 1998.]

In 1998, Case File LUR 98-00365 CU AD, Portland Public Schools received Conditional Use approval, with conditions of approval, to establish a school use in the by then vacant convalescent hospital on the site. Two Adjustments to perimeter parking lot landscaping were also approved.

Agency Review: A "Request for Response" was mailed **February 7, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Transportation Engineering responded with no objections, but recommends a condition of approval, as discussed in detail, below, in this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 28, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;
2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and
3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

Findings: The site is split-zoned, with the southerly 7.86 acres of the site zoned Open Space. The existing school use has prior Conditional Use approval; the proposal is to add additional grades to the site so that the Pioneer Program, which operates in all three buildings on the site can provide a single, comprehensive campus for special education. Consequently, the only change to the site that is proposed are the additional grades served, which would add grades 6 through 12 to the existing program already utilizing the site. Because there are no physical changes proposed to the site, there will be no change to the open space that is already present on the site. The proposed additional grades served by the Pioneer Program is intended to consolidate all the students who qualify for this educational program onto one campus.

As noted earlier, the 10 acre site is split-zoned, with the southerly portion in the Open Space zone. The purpose of the OS zone, as stated in Section 33.100.010, is as follows:

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- *Providing opportunities for outdoor recreation;*
- *Providing contrasts to the built environment;*
- *Preserving scenic qualities;*
- *Protecting sensitive or fragile environmental areas;*
- *Preserving the capacity and water quality of the stormwater drainage system;*
- and*
- *Providing pedestrian and bicycle transportation connections.*

The entire site is owned by Portland Public Schools. There are no designated environmental resources on the site. A school use has operated at this site, and within the OS zone, since circa 1972. Generally, the Open Space designation and zone are applied to publically-owned open areas and recreational facilities. However, there are a handful of examples of Portland Public School sites that are zoned OS or are split zoned OS. To the extent that the school use is consistent with the OS zoned area of the site, which will remain unchanged, the proposal remains consistent with the Open Space zone with the addition of grades to the pioneer program. This criterion is met.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use 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: The Portland Transportation/Development Review Section 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.

Street Classification and Configuration

Division Street is classified as: Neighborhood Collector, Major Transit Priority Street, City Bikeway, City Walkway, Major Emergency Response. Division is improved with a 0-6-2 sidewalk. Pedestrian Guide calls for a 12-ft. sidewalk corridor, which would require a 4-foot dedication and the removal of retaining walls to reconstruct the sidewalk to current City Standards, which includes the current 12-ft standard consists of the 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, 1.5-ft frontage zone between the back of the sidewalk and the property line. However, given the existing retaining wall, widening this sidewalk at this time is impractical.

SE 71st is classified as: Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway. SE 71st is improved with 5-5-2 and 17-5-2.

SE 73rd is classified as: Local for all modes, and appears to be improved with approx 10-5-1.

The applicant has provided a transportation impact study prepared by Lancaster Engineering dated January 27, 2011. The following is a summary of the study findings:

- The existing conditional use permits for the Pioneer Program Campus allows K-6 to be served. A change is proposed to allow K-12. Since the special-needs students do not drive, there are no significant differences between the traffic and parking characteristics of the older students compared to the younger ones. No enrollment increases are planned, so no changes to the operation of the facilities are expected.
- If all three buildings within the campus operated at capacity, a net increase of 99 trips during the morning peak hour would be expected, with 67 entering and 32 exiting the site. During the afternoon peak hour, a net increase of 85 trips would be anticipated, with 24 entering, and 61 exiting the site.
- Pedestrian and bicycle facilities in the site vicinity are adequate to serve the needs of the school and surrounding communities.
- The three buildings on the campus have direct access to an Arterial Street, SE Division Street.
- Tri-Met route 4 has stops along SE Division immediately east of SE 71st Avenue. Buses run from 5:00 am to 1:00 am weekday, with service every 15 minutes or better during weekday morning and evening peak hours.
- Based on an analysis of crash data in the vicinity, no existing safety concerns were identified.
- The area streets and intersections currently operate acceptably and are projected to continue to operate acceptably even if all three buildings simultaneously operate at capacity.
- Future enrollment increase at the Holladay Center and the Holladay Annex would not be expected to significantly impact on-street parking in the site vicinity, since adequate on-site parking is available to serve these facilities to operate at capacity.
- Based on the detailed analysis of the evaluation factors described in 33.815.105.D.2, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

Given the above findings, 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 Water Bureau notes that water services are available to the site. The Fire Bureau notes no concerns, but states that all Fire Code requirements must be met for the proposed change of use. The Bureau of Environmental Services notes no concerns, as sanitary services are available, and no new development is proposed, so no additional impervious surface area will result, requiring stormwater management. The Police Bureau notes that services are available, and include several recommendations to the applicant to consider in enhancing safety on the site for the students. 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: There are no operational or programmatic changes proposed. The applicant notes that the school use is an existing use and no new development is proposed. The applicant further notes that Portland Public Schools has received no complaints regarding the livability impacts of the operation of the special education at the site. The applicant notes that privacy fencing and landscape screening is installed throughout the site to reduce any potential impacts on nearby residences. The applicant notes that each building receives regular maintenance, grounds-keeping, and garbage service. Access to each building is restricted and student use and activities are monitored for safety reasons. School use takes place predominantly during the weekday between the hours of 8:00 AM through 4:00 PM. There are no scheduled late-night operations. For these reasons, this criterion is met.

- D. 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 lies within the South Tabor Neighborhood boundaries. City Council adopted the South Tabor Neighborhood Plan in March, 1996, as part of the Outer Southeast Community Plan. The applicant notes that the proposed use is consistent with the STN Plan, *Policy 5: Social, Cultural and Education Environment* by encouraging positive social interactions with people of diverse physical and mental capabilities and ensuring that open space at the site is available for neighborhood outdoor recreations through a joint use agreement with Portland Parks and Recreation.

The applicant further notes that the proposal is consistent with the STN Plan, *Policy 6: Park, Recreation and Open Spaces*, by maintaining the existing portion of the site in open space for outdoor recreation for both the school use and the public.

For these reasons, this criterion is met.

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

Findings: The northerly 2.14 acres of the site lies within a residential zone. The existing building on this portion of the site was originally built and approved as a convalescent hospital, circa 1959. Case file LUR 98-00365 CU AD granted Conditional Use approval to reuse this building for school use. However, it is also important to note that there has been a school use in all three buildings on this site for decades. The proposal does not include any physical changes or development on the site. Therefore, there is no change in the number of non Household Living in the immediate residential area, as the site is a Conditional Use and will remain a Conditional Use with approval of the current proposal.

The proposal to add additional grades to the existing school use on the site is a relatively small scale addition, as the Pioneer Program serves special education students, and the total numbers of students in this category are limited as compared to public school sites serving students who do not require special programs. Pages 2 and 3 of Exhibit A-1, Applicant's narrative, includes a summary of current and anticipated enrollment levels, and staffing levels. It is important to note that the majority of students will be bused to the site, and those students who are old enough to drive do not due to their disabilities. Therefore, the intensity of the additional grades will be relatively low, as well as related impacts.

The aforementioned summary charts in the applicants narrative results in an anticipated maximum enrollment for the entire campus to be 267 students. The 1998 Conditional Use approved up to a maximum of 100 students in the north building; that decision also includes, under the Analysis section, a discussion of student enrollments on the site at that time. The Holladay Center had 81 FTE [full time equivalent] students. The Youngson Elementary school building on the site had 215 students enrolled. Therefore, at that time, the campus had a total enrollment of 396 students, significantly less than the anticipated total number when grades 6 through 12 are added. Therefore, the site is expected to operate at an intensity level that is below what has historically been present on the site.

Therefore, based on these findings, this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and
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: There are no physical changes proposed for the site. The earliest city record of a school use on the site is from circa 1972. To the extent that the school use and associated building within the R2 zone was found to be physically compatible [see LUR 98-00365 CU AD] the site remains compatible, and will not be altered by the addition of grades 6 through 12 to the campus. For these reasons, 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: There are no operational or programmatic changes proposed. The applicant notes that the school use is an existing use and no new development is proposed. The applicant further notes that Portland Public Schools has received no complaints regarding the livability impacts of the operation of the special education at the site. The applicant notes that privacy fencing and landscape screening is installed throughout the site to reduce any potential impacts on nearby residences. The applicant notes that each building receives regular maintenance, grounds-keeping, and garbage service. Access to each building is restricted and student use and activities are monitored for safety reasons. School use takes place predominantly during the weekday between the hours of 8:00 AM through 4:00 PM. There are no scheduled late-night operations. For these reasons, this criterion is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
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: The Portland Transportation/Development Review Section 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.

Street Classification and Configuration

Division Street is classified as: Neighborhood Collector, Major Transit Priority Street, City Bikeway, City Walkway, Major Emergency Response. Division is improved with a 0-6-2 sidewalk. Pedestrian Guide calls for a 12-ft. sidewalk corridor, which would require a 4-foot dedication and the removal of retaining walls to reconstruct the sidewalk to current City Standards, which includes the current 12-ft standard consists of the 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, 1.5-ft frontage zone between the back of the sidewalk and the property line. However, given the existing retaining wall, widening this sidewalk at this time is impractical.

SE 71st is classified as: Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway. SE 71st is improved with 5-5-2 and 17-5-2.

SE 73rd is classified as: Local for all modes, and appears to be improved with approx 10-5-1.

The applicant has provided a transportation impact study prepared by Lancaster Engineering dated January 27, 2011. The following is a summary of the study findings:

- The existing conditional use permits for the Pioneer Program Campus allows K-6 to be served. A change is proposed to allow K-12. Since the special-needs students do not drive, there are no significant differences between the traffic and parking characteristics of the older students compared to the younger ones. No enrollment increases are planned, so no changes to the operation of the facilities are expected.
- If all three buildings within the campus operated at capacity, a net increase of 99 trips during the morning peak hour would be expected, with 67 entering and 32 exiting the site. During the afternoon peak hour, a net increase of 85 trips would be anticipated, with 24 entering, and 61 exiting the site.
- Pedestrian and bicycle facilities in the site vicinity are adequate to serve the needs of the school and surrounding communities.
- The three buildings on the campus have direct access to an Arterial Street, SE Division Street.
- Tri-Met route 4 has stops along SE Division immediately east of SE 71st Avenue. Buses run from 5:00 am to 1:00 am weekday, with service every 15 minutes or better during weekday morning and evening peak hours.
- Based on an analysis of crash data in the vicinity, no existing safety concerns were identified.
- The area streets and intersections currently operate acceptably and are projected to continue to operate acceptably even if all three buildings simultaneously operate at capacity.
- Future enrollment increase at the Holladay Center and the Holladay Annex would not be expected to significantly impact on-street parking in the site vicinity, since adequate on-site parking is available to serve these facilities to operate at capacity.
- Based on the detailed analysis of the evaluation factors described in 33.815.105.D.2, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

Given the above findings, 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 Water Bureau notes that water services are available to the site. The Fire Bureau notes no concerns, but states that all Fire Code requirements must be met for the proposed change of use. The Bureau of Environmental Services notes no concerns, as sanitary services are available, and no new development is proposed, so no additional impervious surface area will result, requiring stormwater management. The Police Bureau notes that services are available, and include several recommendations to the applicant to consider in enhancing safety on the site for the students. 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 lies within the South Tabor Neighborhood boundaries. City Council adopted the South Tabor Neighborhood Plan in March, 1996, as part of the Outer Southeast Community Plan. The applicant notes that the proposed use is consistent with the STN Plan, *Policy 5: Social, Cultural and Education Environment* by encouraging positive social interactions with people of diverse physical and mental capabilities and ensuring that open space at the site is available for neighborhood outdoor recreations through a joint use agreement with Portland Parks and Recreation.

The applicant further notes that the proposal is consistent with the STN Plan, *Policy 6: Park, Recreation and Open Spaces*, by maintaining the existing portion of the site in open space for outdoor recreation for both the school use and the public.

For these reasons, 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 or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

Portland Public Schools currently operates the Pioneer Program at this site, which serves special-education students. The Pioneer Program serves special education students from pre-kindergarten to 21 years old, who are unable to be successful in less restrictive school environments. PPS proposes to enroll grades Pre-K through 12th grade across all three buildings on the site so that the site can function as a single, comprehensive campus for special education students. Thus, the request is for conditional use approval to add grades 6 through 12 to the existing site. No new development is proposed.

The proposal meets all of the approval criteria and therefore should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of:

- Conditional Use to add grades 6 through 12 to the Pioneer Program currently operating in all three buildings on the site, subject to the following conditions:
 - A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-151807 CU.

Procedural Information. 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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on June 30, 2010 and determined to be complete on January 3, 2011.

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 June 30, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended per Exhibit A-3. The applicant requested delay in processing this application until January 31, 2011. Unless further extended by the applicant, **the 120 days will expire on: May 31, 2011.**

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 recommendation 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed**

within 14 days of the decision. An appeal fee of \$ 3,862.50 will be charged (one-half of the application fee for this case).

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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 the day the appeal period ends. The specific date will be noted in the Hearings Officer's decision.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

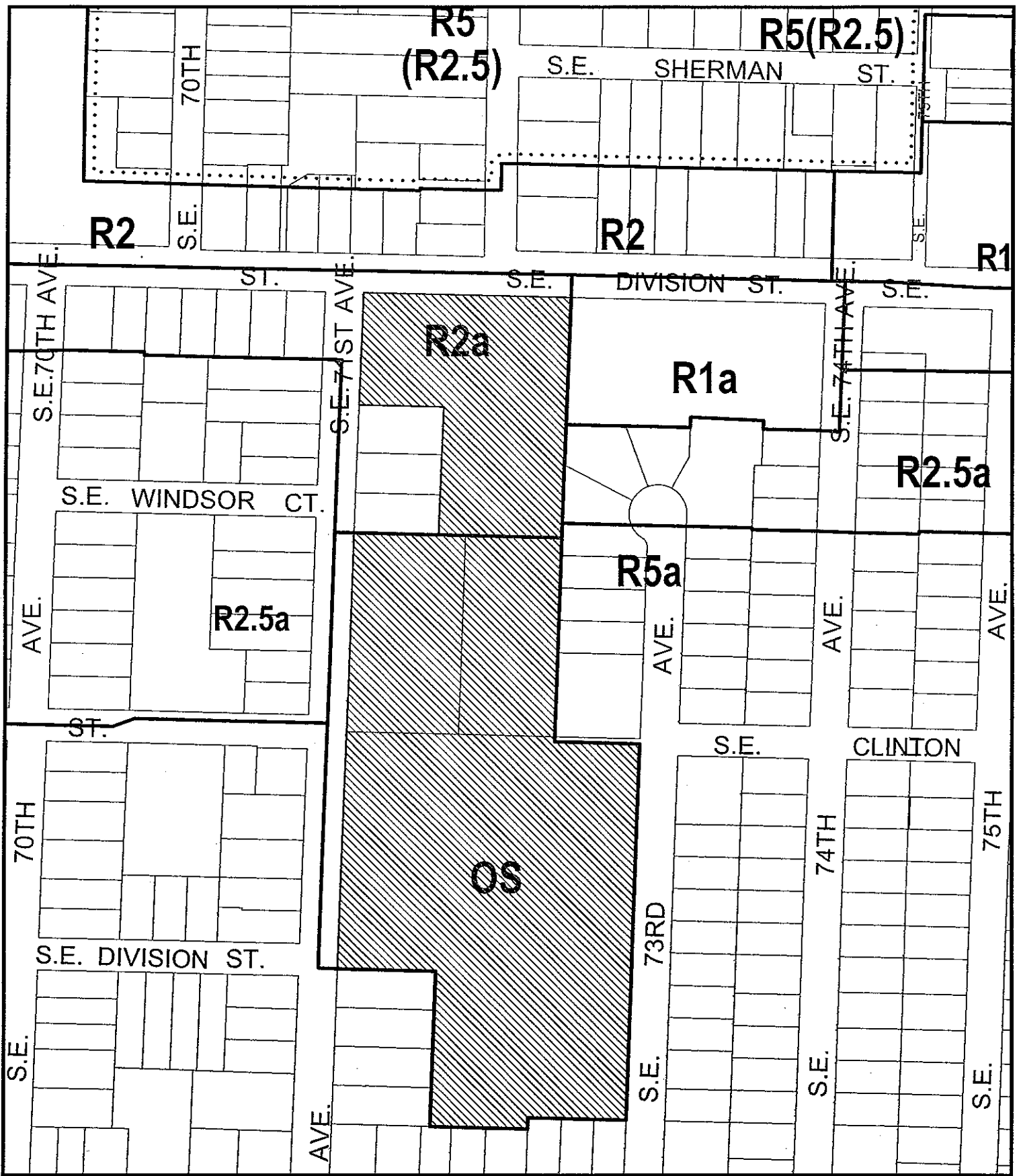
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner's Name: Sylvia Cate
Date: March 11, 2011

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Application Narrative
 - 2. Transportation Impact Analysis [Lancaster]
 - 3. Request to extend 120 day clock
 - 4. Letter to file, June 29, 2010, re: fee payment
 - 5. Letter to file, June 30, 2010, re: land use application submittal
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. Bureau of Police
 - 8. Life Safety/Plans Examiner Section of Bureau of Development Services
- F. Letters: None received by publication date of the Staff Report
- G. Other:
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre Application Conference Summary Notes
 - 4. Letter to Applicant, July 16, 2010; Additional information required
 - 5. Report and Decision of the Hearings Officer, Case File 98-00365 CU AD

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



NORTH

File No. LU 10-151807 CU
 1/4 Section 3237,3238,3337,3338
 Scale 1 inch = 200 feet
 State_Id 1S2E08AB 6800
 Exhibit B (Feb 03,2011)

RECEIVED

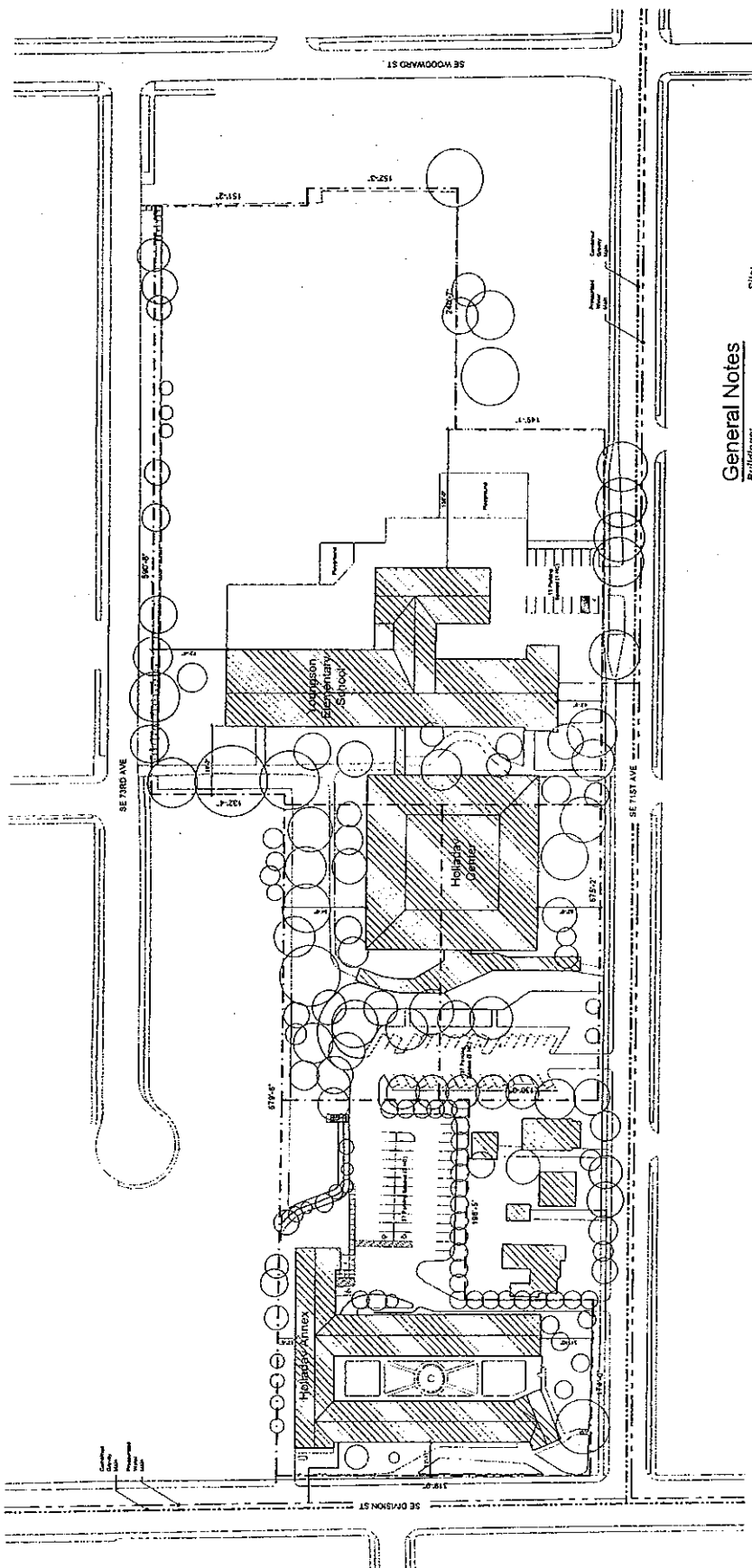
JUN 30 2010



Feckels and
Arvel Management
Tony Kagan - Director
505 N Dixon St
Portland, OR 97203

Land Use Site Plan
Youngson-Holladay
7200 SE Oakdale
Portland, OR 97206

Site Plan
A1.0
1 of 1
5.16.10



General Notes

- Buildings:**
- Youngson Elementary School
Building - 30,063 SF
Site - 5.52 Acres
 - Holladay Center
Building - 31,136 SF
Site - 2.19 Acres
 - Holladay Annex
Building - 29,869 SF
Site - 2.15 Acres
- Site:**
- Parking Spaces: 83 (6 HC) Total Spaces
 - = Existing Tree



Scale: 1/8" = 1' @ 24" x 36"

EXHIBIT C-1
site plan

LU 10-151807 CU

Youngson - Holladay Site Plan