



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 13-150689 CU
HO 4130019

Applicant/Owner: West Hills Schools, Inc.
4920 SW Vermont Street
Portland, OR 97219-1024

Ryan Zink, Designer
Zink Design Services, LLC
3111 Cottonwood Court
West Linn, OR 97068

Representative: Alan Wood, Main Contact
West Hills Montessori
4920 SW Vermont Street
Portland, OR 97219

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Representative: Sylvia Cate

Site Address: 4906 SW VERMONT ST

Legal Description: TL 4700 0.14 ACRES, SECTION 19 1S 1E; TL 4800 0.02 ACRES,
SECTION 19 1S 1E; TL 5000 1.31 ACRES, SECTION 19 1S 1E; TL 4900
0.38 ACRES, SECTION 19 1S 1E

Tax Account No.: R991190910, R991194370, R991194520, R991195160

State ID No.: 1S1E19AA 04700, 1S1E19AA 04800, 1S1E19AA 05000, 1S1E19AA
04900

Quarter Section: 3724
Neighborhood: Maplewood
Business District: None
District Coalition: Southwest Neighborhoods Inc.
Plan District: None
Zoning: R7, Single Dwelling Residential 7,000
Land Use Review: Type III, Conditional Use (CU)

Public Hearing: The hearing was opened at 9:00 a.m. on July 29, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, and was closed at 9:13 a.m. 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. The record was closed to all testimony and/or written submissions on at the end of the hearing.

Testified at the Hearing:

Sylvia Cate
Alan Wood

Proposal:

The West Hills Montessori School has operated in this location since 1968 and operates under an approved Conditional Use. The School is proposing to expand the existing campus in order to include a house the school has owned since 1985, to be used as administrative offices for the school staff. No new development is proposed, nor does the school anticipate any increases in enrollment or staffing levels.

Because the request expands the Conditional Use to a site not originally included in the Conditional Use approval, a Type III Conditional Use review is required for this request.

Relevant Approval Criteria:

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

- 33.815.105, Institutional and Other Uses in Residential 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 its Staff

Report and Recommendation to the Hearings Officer dated July 19, 2013, and to issue the following approval:

Approval of:

- Expansion of a Conditional Use for the West Hills Montessori School to 4906 SW VERMONT ST to be used as accessory administrative office and school storage, 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 13-150689 CU."

Basis for the Decision: BDS Staff Report in LU 13-150689 CU, Exhibits A.1 through H.5, and the hearing testimony from those listed above.



Kenneth D. Helm, Hearings Officer

7-31-2013

Date

Application Determined Complete:	June 4, 2013
Report to Hearings Officer:	July 19, 2013
Decision Mailed:	August 1, 2013
Last Date to Appeal:	4:30 p.m., August 15, 2013
Effective Date (if no appeal):	August 16, 2013 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 \$1,706 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** 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 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 appeal period has expired. The Hearings Officer's decision will note the date.
- 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. Project Narrative
 - 2. Photo packet of School Campus
 - 3. Photo packet of proposed Office
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Administrative Office Floor 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. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Bureau of Parks, Forestry Division
 - 8. Life Safety Section of Bureau of Development Services
- F. Letters
 - 1. Maplewood Neighborhood Association, May 8, 2013, in support
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre Application Conference Summary Notes
- H. Received in the Hearings Office
 - 1. Notice of Hearing – Sylvia Cate
 - 2. 7/15/13 Letter – Dominic & Maria Corrado
 - 3. Staff Report – Sylvia Cate (**attached**)
 - 4. PowerPoint Presentation – Sylvia Cate
 - 5. Record Closing Information – Hearings Office



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 13-150689 CU
 PC # 12-148837
REVIEW BY: Hearings Officer
WHEN: July 29, 2013 at 9:00 AM
WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

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/Owner: West Hills Schools, Inc
 4920 SW Vermont St
 Portland, OR 97219-1024

Ryan Zink, Designer
 Zink Design Services, LLC
 3111 Cottonwood Ct
 West Linn OR 97068

Representative: Alan Wood, Main Contact
 West Hills Montessori
 4920 SW Vermont Street
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Site Address: 4906 SW VERMONT ST

Legal Description: TL 4700 0.14 ACRES, SECTION 19 1S 1E; TL 4800 0.02 ACRES, SECTION 19 1S 1E; TL 5000 1.31 ACRES, SECTION 19 1S 1E; TL 4900 0.38 ACRES, SECTION 19 1S 1E

Tax Account No.: R991190910, R991194370, R991194520, R991195160
State ID No.: 1S1E19AA 04700, 1S1E19AA 04800, 1S1E19AA 05000, 1S1E19AA 04900

Quarter Section: 3724

Neighborhood: Maplewood, contact Claire Carder at 503-880-6503.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Zoning: R7, Single Dwelling Residential 7,000

Case Type: CU, Conditional Use

RECEIVED

JUL 19 2013

HEARINGS OFFICE

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

Proposal:

The West Hills Montessori School has operated in this location since 1968 and operates under an approved Conditional Use. The School is proposing to expand the existing campus in order to include a house the school has owned since 1985, to be used as administrative offices for the school staff. No new development is proposed, nor does the school anticipate any increases in enrollment or staffing levels.

Because the request expands the Conditional Use to a site not originally included in the Conditional Use approval, a Type III Conditional Use review is required for this request.

Relevant Approval Criteria:

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- 33.815.105, Institutional and Other Uses in Residential zones

ANALYSIS

Site and Vicinity: The site for this Conditional Use request is a lot 6,300 square feet in area and developed with a single dwelling house constructed in 1936. The site abuts the West Hills Montessori School Campus, which is directly west and comprises approximately 1.68 acres of land, developed with 3 buildings, 2 covered areas and a playground. The site has frontage along SW Vermont, as does the rest of the school's campus. Because the site is a corner lot, it also has frontage along SW 49th. The immediately surrounding vicinity, in all directions is zoned R7 and developed with single dwelling uses.

Zoning: The site is zoned R7, Residential 7,000. The R7 zone is one of several residential zones that implement the Comprehensive Plan designation for single dwelling residential.

Land Use History: The school opened in this location in 1968, under a conditional use approval [CU 070-68]. Additional reviews followed for additions and alterations on the site: CU 056-70; CU 036-72; CU 047-72; CU 039-74 and CU 061-76. The current campus was approved as a conditional use via Case File CU 002-88.

Agency Review: A "Request for Response" was mailed **June 6, 2013**. The following Bureaus have responded with no issues or concerns:

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

The Bureau of Transportation Engineering responded with no objections, and provided an analysis of the proposed use and anticipated impacts on the existing transportation system, which can be found in the findings below, in this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2013. One written response has been received from the Maplewood Neighborhood Association in support of the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.010 Purpose of Conditional Uses

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

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 West Hills Montessorri has been in operation at this location since 1968. As this is not a new conditional use, the proportion of uses not in the Household Living category remains the same. The school has owned the subject site since 1988 and requests approval to use the existing residential structure for office space and storage for the school. The school is situated in an R7 zoned neighborhood, with frontage on SW Vermont Street, a designated Neighborhood Collector Street. There are two other institutional uses within the area near the school bounded by SW 52nd & SW 46th, SW Texas and SW Idaho Streets: St John Fisher School & Parish, and St Luke Lutheran Church. The expansion of administrative offices and storage for the school will have no additional impacts on the residential area, as the appearance will remain unchanged and the use will not generate additional trips or an increase in parking demand. There will be no increase in student enrollment or staffing for the school. There are no changes proposed for the school hours of operation which are from 7:15 AM until 6:00 PM. All necessary parking for school staff is on site at the main school campus. The proposed accessory office use at the subject site will accommodate up to 4 members of the administrative staff for the school. The administrative hours and office use will occur within the normal operational hours of the school. There will be no 'after hours' activities, and meetings with students or parents will occur in the main office located on the school campus. Administrators will typically walk to the accessory office; however, there is parking available at the subject site, should staff drive directly to the proposed accessory office. For these reasons, this criterion is met.

B. Physical compatibility.

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

Findings: There are no City-designated scenic resources on or in proximity to the site. 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

Findings: The proposal is to utilize an existing residential house adjacent to the school campus to be used as an auxiliary office space for school staff. No changes are proposed for the existing house, which was built in 1937 as a single dwelling home. The existing house is compatible with adjacent residential developments as it was developed as a home. No exterior changes are proposed for the office use, therefore the house will continue to be compatible with adjacent residential development. For these reasons, this criterion is met.

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 differences in appearance or scale that require mitigation. The lot that the house sits on is landscaped and well maintained resulting in a residential appearance. 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: As discussed previously, there are no proposed changes to the operation of the West Hills Montessori School. The proposed accessory office and storage space will not create noise, there are no late night operations, nor any activity that would produce odors. No exterior changes to the subject site are proposed, hence exterior lighting will be residential in character. The school routinely polices the grounds and all trash and recycling generated by the accessory office use will be handled on the main school campus, thus there will be no recycling bins or unsightly trash present at the proposed accessory office site. The office use will not impact the privacy of adjacent residences, as the site is a corner lot and surrounded by the school campus except for two private homes south of the site. However, the existing residence proposed to be used as an accessory office is oriented toward SW Vermont, while the two homes to the south are oriented toward SW 49th Avenue. Both distance and mature vegetation provide additional separation between the proposed accessory office and the adjacent neighbors. The change in use and occupancy from residential to an office use will require a building permit that will ensure that all necessary safety features, such as smoke alarms and similar, are installed. For these reasons, this criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The Portland Bureau of Transportation has evaluated the proposal against the applicable transportation policies and notes the following:

At this location, SW Vermont is classified as a Neighborhood Collector, Community Transit, City Bikeway, City Walkway and a Local Service street (Street Design mode) in the City's Transportation System Plan (TSP). At this location, SW 49th Avenue is classified as a Local Service street for all transportation modes.

For Neighborhood Collector streets, the TSP states that "Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors". The proposed Conditional Use to recognize a building on the existing West Hills Montessori School campus as administrative offices will not alter the above referenced functions.

Further, "Local Service streets provide local circulation for traffic, pedestrians and bicyclists". The TSP also states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The proposed Conditional Use will not impact these functions of Local Service streets.

For the above reasons, this criterion is met.

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 Bureau of Transportation evaluated the proposal against the factors listed above to determine if the transportation system is capable of supporting the proposed use. The following is an excerpt from their response, found at Exhibit E-2 in the record for this review.

Street capacity/level of service

A transportation impact study (TIS) was not prepared and submitted in conjunction with the proposed Conditional Use application. The West Hills Montessori School has operated in this location since 1968 and operates under an approved Conditional Use. The School is proposing to expand the existing campus in order to include a house the school has owned since 1985, to be formally used as administrative offices for the school staff. No new development is proposed, nor does the school anticipate any increases in enrollment or staffing levels.

The administrative schedules vary daily and, according to the applicant, it is not often that the four current members of the school's administrative staff that have been using the office space, are there at the same time. Office hours are between 9:00 am and 5:00 pm. The morning time coincides with the beginning of classes on the main campus; regular classes end at 3:00. Parents dropping off and picking up their students do so in the parking lot of the main campus which has access from SW Vermont. There is no access to the school, parking lot or campus from SW 49th Ave.

Typically, PBOT would require that an applicant hire a traffic consultant to address this technical evaluation factor and to determine whether or not nearby intersections are (and will be) operating under City of Portland performance measures. The industry standard would be to conduct trip generation, trip distribution and level of service (LOS) analyses to determine the

impact of a project to the transportation system. In this case, because there is no change in use, increase in enrollment or in the number of staff proposed with the requested Conditional Use, there will be no additional impacts on the transportation system for consideration with regard to area intersections.

Access to arterials

The subject site is located along SW Vermont, which is classified as an arterial street in the City's Transportation System Plan. SW 45th Ave directs motorists to other nearby arterial streets throughout the broader transportation system.

Connectivity

The subject site is located within an area of SW Portland that generally does not satisfy City connectivity spacing goals. There are no established block patterns or gridded streets in the area typically due to topography. In this case, there are also impediments to improving connectivity in the area due to other nearby large-scale non-residential uses and swaths of environmentally sensitive (P-zoning) land masses. Additionally, it is not conducive or feasible to provide vehicle or pedestrian connectivity through this existing elementary school site. Further, since there is no increase in occupancy or redevelopment proposed on the subject site, PBOT has no nexus to impose a condition of approval for public right-of-way dedication to accommodate any connectivity opportunities on the subject site. PBOT has no concerns relative to connectivity and the proposed Conditional Use request.

Transit availability

The site is currently served by Tri-Met bus route #1 (Vermont) with a stop directly in front of the school on both sides of SW Vermont.

On-street parking/neighborhood impacts

Typically, when PBOT staff reviews Conditional Use requests associated with schools, this evaluation factor is most critical to consider since parking and drop-off/pick-up activities around schools and within neighborhoods can be an issue and a topic of contention between schools and surrounding neighbors. In this case, as mentioned previously in this response, nothing related to an increase in use, number of students or staff or a physical development is proposed. It should also be noted that the area's Neighborhood Association has voiced its support of this request.

There is currently sufficient area on the driveway in front of the garage associated with the subject administrative staff house/building to accommodate 5 vehicles. With only four employees, there is a surplus of 1 on-site parking space, if, all of the staff members were at the administrative office at the same time, which the applicant has indicated does not typically occur. These on-site spaces are not utilized for any other function at the school site, including by parents wanting to drop off or pick up their student or to park short/long term. There is sufficient on-site parking to accommodate the administrative employees on this portion of the subject school campus, such that on-street parking is not impacted: there is no demand for utilization of any on-street parking spaces along the site's SW 49th Ave frontage (it does not appear that on-street parking is allowed along the site's SW Vermont frontage).

Access restrictions

There is no reason to restrict access onto the site via the existing driveway; said driveway exceeds the minimum dimensional requirement for locating near a corner. The applicant is advised, however, to take measures to ensure that staff vehicles that are parked on the driveway, don't extend onto the sidewalk. PBOT has no access restriction concerns.

Impact on pedestrian, bicycle, and transit circulation

The site's frontages are not improved with sidewalks, similar to the broader area surrounding the school and with SW Portland in general. There are limited resources at the City's disposal for constructing public sidewalks, and, as described previously, PBOT does not have a legal

nexus to require the applicant to construct new sidewalk along the subject site's frontages in association with the proposed land use. There will be no impact on pedestrian circulation in relation to the proposed expansion of the Conditional Use. SW Vermont has a regulatory speed of 35 miles per hour and the City's official Bicycle and Walking Map identifies this street (as well as SW 52nd Ave, west of the site) as "Shared Roadways". There is no reason to believe that the proposed Conditional Use will have impacts circulation related to any mode of travel.

Safety for all modes

No significant negative safety impacts are expected with this proposal on any mode of the transportation system.

Adequate Transportation Demand Management (TDM) strategies

PBOT has not identified any transportation-related impacts expected from the proposed Conditional Use, which is typically why a Traffic Demand Management Plan ((TDMP) is proposed (or required). Therefore, PBOT is not requiring the applicant to develop and submit a TDMP.

It is PBOT's conclusion and expectation that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

For the above reasons, 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 the site has water service, and notes no concerns regarding the proposal [Exhibit E-3]. The Portland Police Bureau has responded and notes that services are adequate for the proposed use [Exhibit E-5]. The Fire Bureau notes that any building permit review will include compliance with all required Fire Code regulations and has no concerns regarding the proposed use [Exhibit E-4]. The Bureau of Environmental Services has no objections to the proposal and notes that the site has existing sanitary service that is adequate for the proposed use. The BES response notes that onsite stormwater management includes rainwater dispersed by splash blocks which is adequate. The response also notes that any future development must comply with the Stormwater Management Manual and that there is an existing stormwater sewer available for connection in the future [Exhibit E-1]. 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 boundaries of the Southwest Community Plan, adopted by City Council July, 2000. Staff has reviewed the Policies and Objectives within the Community Plan and determined that the Economic Development Policy, Objective 2 is applicable. That Objective 2 states: *Support educational and medical institutions in enhancing the quality of education they provide and research they conduct.* The proposal is consistent with the Objective, because it allows the school to provide additional office space to school administrators in a house on property the school owns, which in turns allows more space within the existing school buildings to be more efficiently utilized for educational and student activities. 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

The West Hills Montessori School is proposing to expand the existing campus in order to include a house the school has owned since 1988, to be used as administrative offices for the school staff. No new development is proposed, nor does the school anticipate any increases in enrollment or staffing levels due to this expansion. The accessory office will provide office facilities for four school administrators, plus additional storage for the school. The proposal meets all of the applicable 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:

- Expansion of a Conditional Use for the West Hills Montessori School to 4906 SW VERMONT ST to be used as accessory administrative office and school storage, 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 13-150689 CU."

Procedural Information. The application for this land use review was submitted on May 8, 2013, and was determined to be complete on Jun 4, 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 May 8, 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: October 2, 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 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 \$1,706 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

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 appeal period has expired. The Hearings Officer's decision will note the date.
- 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.

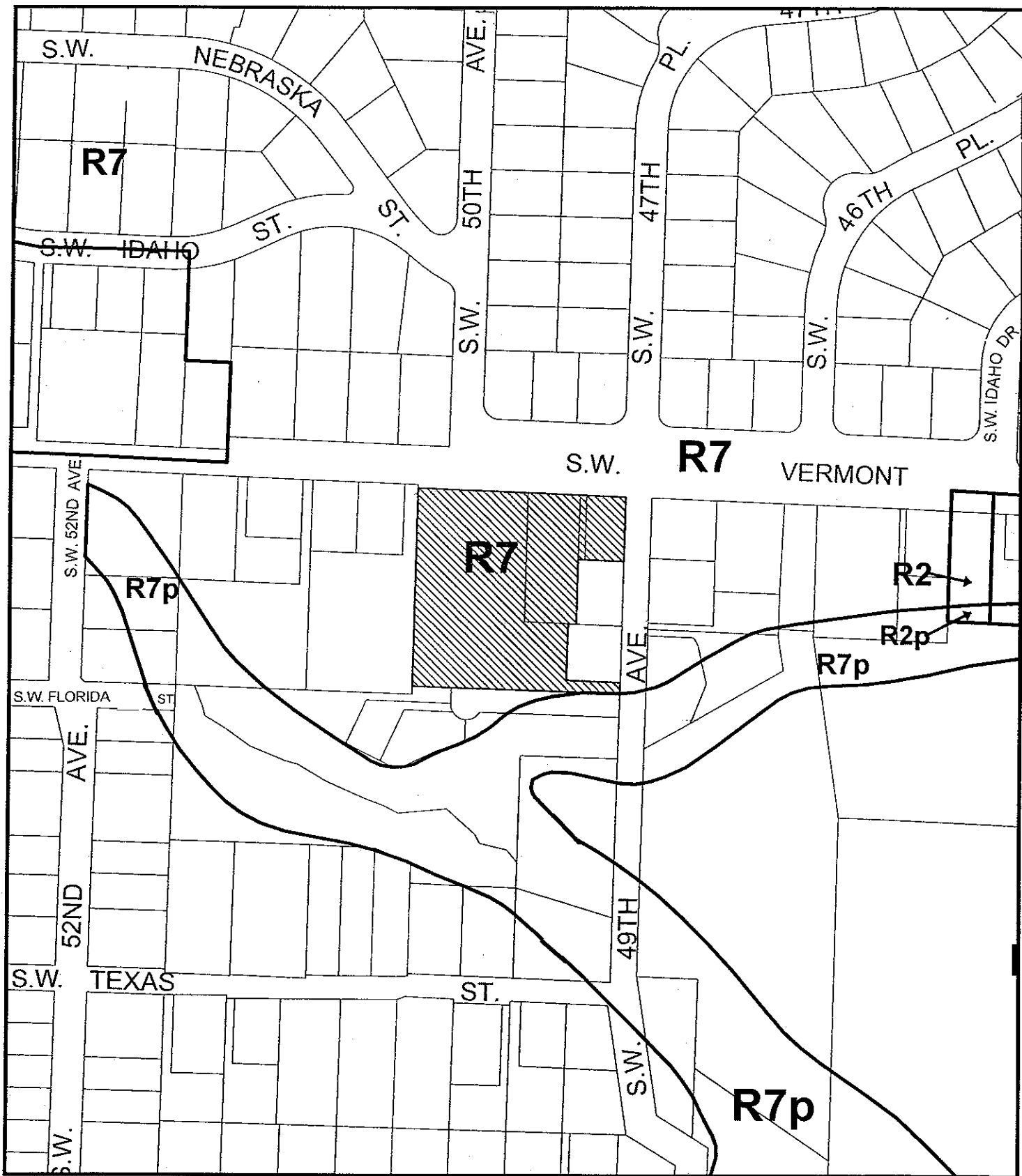
Planner's Name: Sylvia Cate

Date: July 19, 2013

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project Narrative
 - 2. Photo packet of School Campus
 - 3. Photo packet of proposed Office
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Administrative Office Floor 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. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Bureau of Parks, Forestry Division
 - 8. Life Safety Section of Bureau of Development Services
- F. Letters:
 - 1. Maplewood Neighborhood Association, May 8, 2013, in support
- G. Other:
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre Application Conference Summary Notes

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

File No. LU 13-150689 CU

1/4 Section 3624,3724

Scale 1 inch = 200 feet

State_Id 1S1E19AA 5000

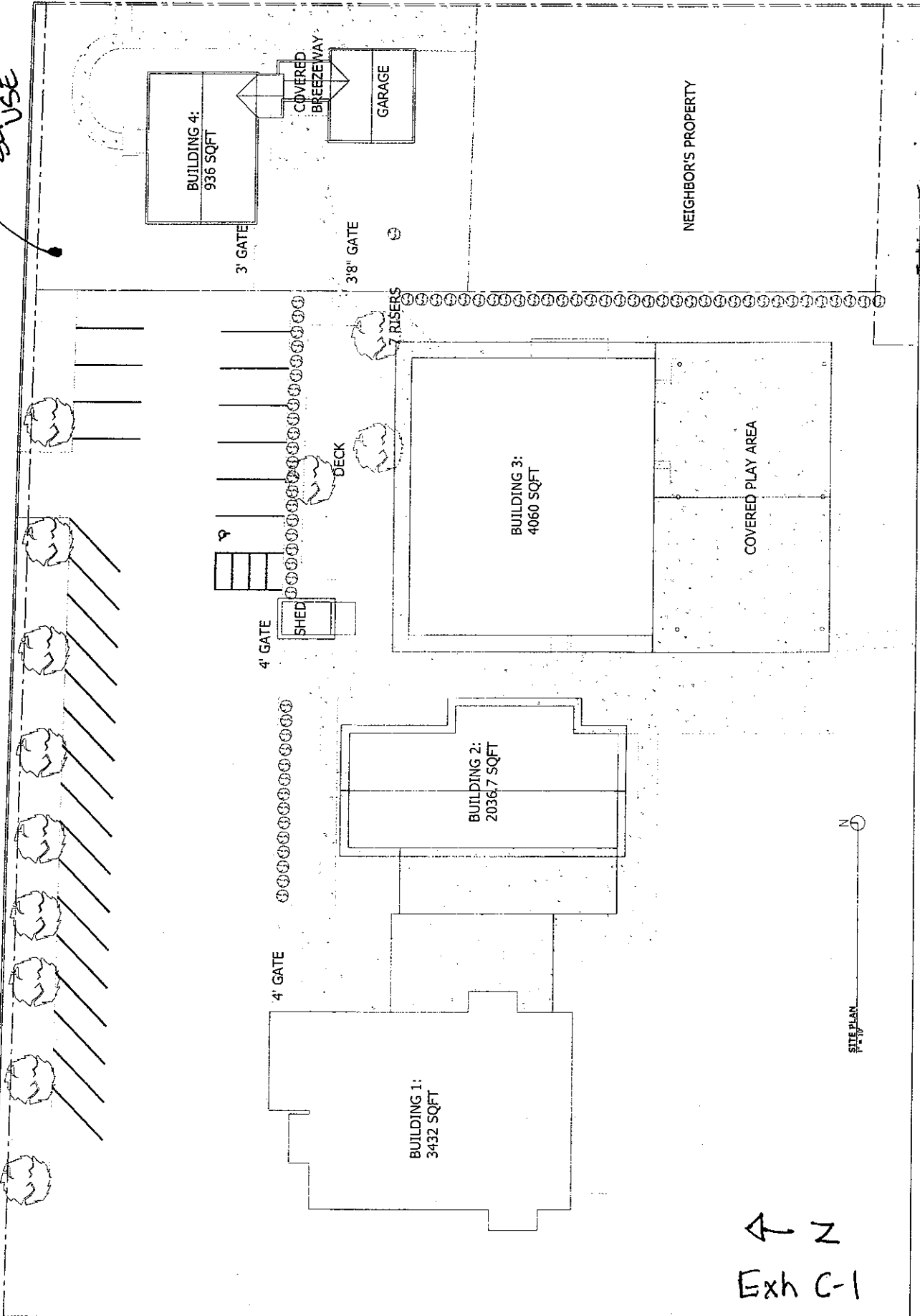
Exhibit B (May 10,2013)



NORTH

PROPOSED SCHOOL OFFICE USE

SW VERMONT ST



↑ N
Exh C-1

SITE PLAN LV. 13 150R20C11

