



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

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Date: August 5, 2014
To: Interested Person
From: Sylvia Cate, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 14-127896 IM AD

GENERAL INFORMATION

Applicant: Russell Lacy | Multnomah University
 8435 NE Glisan St | Portland, OR 97220

Representative: Peggy Hennessy, Attorney for Applicant
 Reeves Kahn Hennessy & Elkins
 PO Box 86100 | Portland, OR 97286

Site Address: 8435 NE GLISAN ST

Legal Description: BLOCK 3 LOT 19, PARK TERR HMS; BLOCK 3 LOT 20, PARK TERR HMS; BLOCK 3 LOT 21, PARK TERR HMS; BLOCK 3 LOT 22, PARK TERR HMS; BLOCK 3 LOT 23, PARK TERR HMS; BLOCK 3 LOT 24, PARK TERR HMS; BLOCK 3 LOT 25, PARK TERR HMS; BLOCK 3 LOT 26, PARK TERR HMS; TL 7500 19.25 ACRES, SECTION 33 1N 2E

Tax Account No.: R644800460, R644800470, R644800480, R644800490, R644800500, R644800510, R644800520, R644800530, R942330160

State ID No.: 1N2E33BC 04400, 1N2E33BC 04500, 1N2E33BC 04600, 1N2E33BC 04700, 1N2E33BC 04800, 1N2E33BC 04900, 1N2E33BC 05000, 1N2E33BC 05100, 1N2E33BC 07500

Quarter Section: 2939

Neighborhood: Montavilla, contact Lewis Scholl at 503-258-0312.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: IRd, Institutional Residential with a Design overlay zone

Case Type: IM AD, Impact Mitigation and Adjustment
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant, Multnomah University, operates under an existing Impact Mitigation Plan, approved in November, 2000. Since that time, the University has developed college facilities and student housing as allowed under the approved IMP.

The University seeks to amend the campus Impact Mitigation boundary, and exclude 8 residential lots near NE Pacific Street and NE 87th Avenue. This Notice includes a zone map and a site plan depicting these properties.

After removal of these lands from the Impact Mitigation boundary, they can continue to be used and developed with residential uses, unassociated with Multnomah University and the requirements of the Multnomah University Impact Mitigation Plan.

AMENDED ADDITIONAL PROPOSAL:

An Adjustment is also requested to require future residential development on each of these 8 lots to be subject to all of the development standards of the R5, Single Dwelling Residential zone, so that the development will be consistent with the residential development of the R5 zoned lots directly to the north of the subject site.

Relevant Approval Criteria:

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

- 33.848.050.A.-O., Impact Mitigation Plan
- 33.804.040.A.-F., Adjustments

ANALYSIS

Site and Vicinity: The campus of the Multnomah University comprises approximately 24 acres of land, with the majority of the campus occupying a central campus that is approximately 19 acres. This central campus area abuts Montavilla Park to the west, and has frontage on NE Pacific Street, NE Glisan and NE 87th Avenue. The rest of the campus occupies approximately 4.3 acres of land that is across NE 87th Avenue, with frontage along the east side of NE 87th, and one parcel that extends further east to NE 90th Avenue. NE Glisan is fully improved with 4 travel lanes, curbs and sidewalks. NE Pacific, NE 87th and NE 90th are improved with two travel lanes, curbs and sidewalks. Bus service is available on NE Glisan Street.

The central, or main campus area, originally comprised roughly 11-acres that was developed by the State of Oregon as a School for the Blind in the early 1900's. The applicant purchased this 11-acre campus in 1952 and it has slowly grown over the years to its present day boundaries. The main campus is characterized by a generally flat topography, abundant open spaces, mature and generous landscaping, and an eclectic mix of seven main buildings that include the central core of the Oregon School for the Blind facilities dating from the 1910's and 1920's with additional buildings dating from the 40's to the present day. The original buildings are characterized by painted brick exteriors with shallowly pitched roofs.

The northerly edge of the main campus is bordered by 18 lots, each 50 x 100 feet, fronting NE Pacific Street and several developed with modest single dwelling houses built in the late 40's. The westerly portion of the campus fronting NE Pacific Street was redeveloped with student dormitories. *The applicant requests that the easterly 8 lots with frontage along NE Pacific Street be removed from the IMP boundary.*

An Adjustment is also requested to require future residential development on each of these 8 lots to be subject to all of the development standards of the R5, Single Dwelling Residential zone, so that the development will be consistent with the residential development of the R5 zoned lots directly to the north of the subject site.

Across NE Pacific Street are single-dwelling houses not associated with the campus. The west edge of the campus abuts Montavilla Park, a city owned park developed with a community center, swimming pool, playgrounds and a baseball diamond. The east edge of the campus runs along NE 87th, where the main campus is to the west. Across NE 87th are six parcels owned by the applicant and developed with a compound of student apartments (approved by LUR 91-00404 DZ) and three single-dwelling houses.

Zoning: Currently the entire site is zoned IRd, with one notable exception. The northerly third of one parcel now known as 1N2E33BD 8900 (formerly known as Tax Lot 44, Section 33, T1N, R2E and included within the originally approved IMP boundary) is zoned R2a. The exclusion of the north third of this parcel from the IRd zone appears to be a mapping error that occurred during the Outer Southeast Community Plan process.

[*Staff note:* While an approved IMP can include parcels that lie outside the IRd zone, per 33.848.020 A, research into the origins of this split-zoned parcel determined the following: the parcel is developed with student housing; the northerly portion of this parcel is open lawn area. The zone line separating IRd from R2a bisects the most northern corner of this student dormitory building. In 1991, when the Master Plan was approved, the zoning on this parcel was R5 with an R2.5 Comprehensive Plan designation. Objective 8 of Policy 1 of the Montavilla Neighborhood Plan, expresses clear intent to apply the IR designation to the existing campus of the Multnomah University to ‘ensure future expansions or changes [by the college] will be guided by a Master Plan and also help in reducing adverse impacts...’ The Outer Southeast Community Plan also contains Subarea Policy II, Education, which states clear intent of applying the IR zone to this campus. These facts, combined with this parcel’s slightly irregular shape that creates a northerly jog in the east-west zone line, and the non-GIS based methodology used in 1995 during the drafting of the Outer Southeast Community Plan, strongly indicate a mapping error. Therefore staff recommends that the applicant request that this mapping error be corrected.]

The Institutional Residential (IR) zone is intended to foster the growth of major institutions providing educational and medical services and employment to Portland’s residents. The IR zone was created in recognition of the valuable role these institutions play in the community. The new zone is intended to streamline the review process for the growth and expansion of these institutions. However, these institutions generally are in residential areas. In residential areas the level of public services is scaled to a less intense level of development than is needed by these growing campuses. These campuses are often of a radically different scale and character than the areas in which they are located. Development of a strategy for each campus for resolution of public service and compatibility issues is important to the health of the institution and the City’s neighborhoods. Once an institution has an approved impact mitigation plan, a conditional use master plan is not needed and will not be required.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The northerly third of tax lot 1N2E33BD 8900 lies within the R2a zone. This parcel is developed with married-student housing that was approved by LUR 91-00404. 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 neighborhood collector and district collector streets, and local streets adjacent to commercial areas or major streets.

As mentioned previously, the fact that a small portion of one parcel of the East Campus is zoned R2a appears to be the result of a mapping error. As also noted above, Section 33.848.020 A, states that an approved IMP is applicable to all uses and activities within the institution's boundaries, regardless of the base zone, as long as the property is under the control of the institution. This parcel is owned by the Multnomah University and is included within the campus boundary and the approved IMP boundary.

Land Use History:

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

- In 1972, a Conditional Use approval was given for the construction of a gymnasium (CU 82-72).
- A Conditional Use Master Plan for the college was approved in 1975 (CU 56-75), with conditions that included a requirement that future buildings and parking lots be reviewed and approved by the Design Review staff.
- Also in 1975, a Conditional Use request (CU 80-75) was made for 2 pedestrian walkways connecting NE Pacific Street to the campus as well as conversion of 18 single-family dwellings to student dormitories. The case was appealed and the City Council approved the use of 13 of the houses for dormitories for 3 years, and the development of one walkway plus the use of an existing walkway.
- In 1977, CU 45-77 was a request for approval on changes to the Conditional Use Master Plan. These changes included eliminating one dorm and one parking lot, moving a maintenance building, changing the use of part of an administration building, and converting 2 single-dwelling residences into dormitories. The case was given approval with the conditions that all prior conditions (CU 56-75 and CU 80-75) must still be met; that a specific area be landscaped; and that the use of all single-dwelling houses as dormitories would terminate by February 1979.
- In 1979 the college requested a Conditional Use approval (CU 15-79) for the extension of the expiration date required as part of CU 45-77. The Hearings Officer approved the request, allowing the 15 single-dwelling units to remain as dormitories until September 1981. The limit on the number of students in each structure was set at 8. Additionally the conversion of a former dormitory on NE 87th was approved for an office use.
- In 1991, LUR 91-00157 CU gave conceptual approval of a Conditional Use Master Plan showing, among other things, a new 2-story dormitory along the west edge of the School property. The Hearings Officer noted a number of conditions, including that a revised and updated site plan be submitted, as well as a parking study and plan. Other relevant conditions: Design Review is required for all future projects identified in the master plan "Phasing Schedule," and street trees are required if recommended by the City Forester. Also, the lighting of parking lots must comply with the Off-Site Impacts standards in Section 33.262.080.
- In 1991, the college requested Design Review approval for a new married-student dormitory and student center in LUR 91-00404. Approval was given with some design conditions.
- In 1998, a new 120-student dormitory located along the western edge of the campus received design review approval, with conditions.
- In 2000, LUR 00-00502 DZ [IM] and LUR 00-00442 IM [DZ] approved the Impact Mitigation Plan for the Multnomah University, including design standards and guidelines and design review procedures.
- In 2001, LUR 01-00363 DZ, approved two new plazas along the NE Glisan Street frontage as required under LUR 00-00502 DZ [IM].
- In 2012, LU 12-102240 DZ, approved 2 dormitory buildings for a total of 15 student units.

An AMENDED “Notice of Proposal in Your Neighborhood” was mailed July 9, 2014.

Agency Review: The following Bureaus have responded with no issues or concerns:

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

The *Bureau of Transportation Engineering* responded with no objections and notes that “...eliminating the eight residential lots from the IMP boundary will have no impact on transportation facilities. It may reduce potential transportation impacts because the university will no longer be contemplating future use of these properties for university purposes.”

PBOT has no concerns regarding the Adjustment.

The *Bureau of Environmental Services* responded with no objections to the boundary amendment, but notes that that a covenant for a sewer easement appears to extend onto the two western-most lots (lots 19 & 20) and a sewer serving the campus may be on that western-most property (lot 19). The applicant is advised to locate the sewer and evaluate the location of the covenant/easement prior to transferring properties or submitting any building permits.

BES has no objection to the requested Amendment to the existing Impact Mitigation Plan and requested Adjustments to require residential development standards for an R5 zone for the subject properties. The proposed developments will be subject to BES standards and requirements during the permit review process.

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

ZONING CODE APPROVAL CRITERIA

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

- A.** The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070).

Findings: The applicant proposes no changes to the mission statement or impact mitigation plan that was previously approved via Case File LUR 00-00442 IM. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- B.** Mitigation.

1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;
2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.

Findings: The applicant proposes no changes to any mitigation previously approved via Case File LUR 00-00442 IM. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- C. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33 and Title 32, Signs and Related Regulations, except where adjustments are being approved as part of the impact mitigation plan.

Findings: The applicant proposes no changes to the uses previously approved via Case File LUR 00-00442 IM. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- D. The proposed institutional zone boundary, mission statement, and impact mitigation plan have been evaluated against the purpose of the IR Zone and on balance have been found to be supportive of the zone's characteristics as stated in Subsection 33.120.030.F.

Findings: The applicant proposes to amend the approved IMP boundary by removing eight 5,400 square foot lots near the southwest corner of NE 87th and NE Pacific Street. No other changes are proposed. The approved IMP for the University will remain unchanged, except that no future college related development will occur on these lots. Consequently, trip generation and parking impacts are anticipated to be less than the levels assumed during the review of LUR 00-00442 IM and the associated Transportation Impact Analysis (TIA). With the removal of the identified eight lots, the IMP remains, on balance, supportive of the IR zone and characteristics. The eight lots will revert to residential uses and development which is consistent with the IR zone. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- E. The proposal and impact mitigation plan are supportive of the Transportation Element of the Comprehensive Plan.

Findings: The removal of the eight lots from the previously approved IMP will reduce the amount of land available to new development and by no longer being part of the campus of Multnomah University, any potential trip generation and parking impacts assumed in the original TIA from college use of these lands will be eliminated. Thus the transportation impacts would be subsequently lessened, as well. Because the IMP and mitigation measures were based on these lands being developed with college uses, any remaining impact mitigation plans for parking and traffic generation remain valid. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- F. The transportation system is capable of safely supporting the development proposed in addition to the existing uses in the area, or will be made capable by the time the development is completed.

Findings: The applicant proposes no changes that would impact the transportation system. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- G. Public services for water supply, police, fire, sanitary waste disposal and storm water disposal are capable of serving the proposed development, or will be made capable by the time the development is completed.

Findings: The applicant proposes no changes that would impact adequacy of public services. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. However, as noted in the BES response, a covenant for a sewer easement appears to extend onto the two western-most lots (lots 19 & 20) and a sewer serving the campus may be on that western-most property (lot 19). *The applicant is advised to locate the sewer and evaluate the location of the covenant/easement prior to transferring properties or submitting any building permits.*

This criterion will continue to be met.

- H.** City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.

Findings: The applicant proposes no changes that would impact any significant resources, as there are none within the approved IMP boundary, and more specifically, none of the eight lots to be removed from the IMP boundary have any significant resources. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- I.** The appearance, location, and amount of commercial, non-institutional office, industrial service, and manufacturing and production will not, by itself or in combination with other uses, decrease the desirability of adjacent residential areas for the retention of existing housing or development of new housing.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- J.** The impact mitigation plan includes design, landscape, and multi-modal transportation plans which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. The applicant proposes no changes to the approved design, landscaping, and transportation demand management plans. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- K.** All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- L.** Campus institutional, commercial, office, industrial service, and industrial development will, with mitigation, not have significant adverse impacts on the livability of nearby residential and business areas.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. The applicant proposes no changes that would impact the transportation system. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- M.** The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- N.** The proposal is consistent with the policies and objectives of any plans applicable to the campus's location which have been adopted by the City Council as part of the Portland's Comprehensive Plan.

Findings: The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. Therefore, the findings of LUR 00-00442 IM remain valid, and no changes are necessary. This criterion will continue to be met.

- O.** The Portland Design Commission has reviewed and approved design guidelines or standards that will ensure:
1. An environment will be created which is attractive, safe, and pleasant for pedestrians; and
 2. The edges of the campus will provide smooth and attractive transitions between the institutional campus and adjacent residential and business areas.

Findings: The Portland Design Commission reviewed and approved design guidelines and standards for Multnomah University's campus via Case File Number LUR 00-00502DZM. The applicant proposes no changes to any other portion of the approved IMP plan, other than the change in the IMP boundary. Therefore, the findings of LUR 00-00442 IM acknowledging the Design Commission's approval of the guidelines and standards applicable to all development within the IMP boundary remain valid, and no changes are necessary. This criterion will continue to be met.

AMENDED DECISION ADJUSTMENT

33.805.010 Purpose (Adjustments)

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

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant requests an Adjustment to waive the Institutional Development Standards of the IR zone [33.110.245 and Table 110-5] and allow future development on the 8 identified lots to be subject to the development standards of the R5 zone, 33.110.200 through 33.110.285 and Tables 110-1, 110-2, 110-3 and Table 110-4.

The purpose of Development Standards for Institutions is found at 33.110.245.A., *Purpose*, which states:

The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to

maintain compatibility with and limit the negative impacts on surrounding residential areas.

The subject site, eight 50 x 100 lots were removed from the approved IM Boundary for Multnomah University. These lots are no longer subject to the approved IM plan for the school. However, the existing IR base zone remains mapped on these properties. Thus, despite being removed from the IM Boundary, development on these lots are still subject to the Institutional Standards, which are intended to be applied to institutional uses to maintain compatibility with and limit the negative impacts on surrounding residential areas.

If each of these lots were redeveloped under the IR zoning, for example, the required setbacks would be triple what is required in the R5 zone [15 feet rather than 5 feet] and would have an allowed height of 50 feet rather than the 30 foot height limit of the R5 zone. In addition, each lot would be required to have a 15 foot deep landscaping strip to the L3 standard [trees, shrubs and ground cover] to buffer from any abutting R-zoned property. The Institutional Development Standards also allow additional building coverage [50% rather than the 45% limit of the R5 zone] and require a 15 foot deep landscaping buffer to the L1 standard to buffer each of the 8 lots from the residentially zoned lands across NE Pacific Avenue. Applying all of the Institutional Development Standards to these eight 50 x 100 foot lots would result in a maximum 'developable area' of 20 x 70, or 1,400 square feet. Alternatively, each lot could be developed, but each lot would require, at minimum, at least 6 adjustments to the Institutional Development Standards in order for a new home to be constructed.

The general base zone development standards of the R5 zone are designed for residential buildings. The eight subject lots are platted to R5 standards, were zoned R5 prior to receiving the IRd zoning, and lands in the R5 zone are directly north of the site. The lots are intended to be developed with residential structures and uses. Therefore, the request to waive the Institutional Development Standards and utilize the Development Standards of the R5 zone will allow development consistent with the single dwelling residential neighborhood to the north of the site. By applying the R5 Development Standards, new development will be consistent with surrounding residential development and will eliminate any negative impacts that would arise from applying Institutional Standards to a single dwelling house on a 50 x 100 foot lot. For these reasons, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The subject site [8 lots] remains zoned IRd despite the removal of these lands from Multnomah University's Impact Mitigation Boundary. The IRd zone is specifically for Institutional Residential and includes a number of development standards that are crafted to accommodate larger institutional development on a campus or similar situation such that additional setbacks and landscape screening and similar provide adequate separation between Institutional Uses and Residential Uses. In this situation, because the IRd remains in place, future residential development would be subject to the Institutional Development Standards, not the Single Dwelling Residential 5,000 Development Standards. However, the subject lots were platted and zoned R5 before the IRd zone was applied. The Zoning Code anticipated these sorts of situations, and includes regulations to govern allowed development in the IRd zone when the site is not an Institutional Campus or not governed by a Conditional Use Master Plan.

However, most of these regulations refer to utilizing the 'base zone' standards in these situations. This portion of the Zoning Code works well when the IRd zone is applied as

a Comprehensive Plan Designation so that as an institution expands and acquires those lands, the zoning can be changed to IRd via a Type II process per 33.848.090, Implementation, and 33.855.050.C. Because the IRd zone was applied legislatively rather than as Comprehensive Plan Designation, these 8 lots remain subject to the IRd Development Standards even after removal from the IMP Boundary.

The proposal to waive the Institutional Development Standards and apply the R5 Development Standards will allow future development on these 8 lots to enhance the livability of the surrounding residential area and will result in development that is consistent in appearance with other R5 residential development and uses in the area. For all these reasons, this criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

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

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 applicant, Multnomah University, operates under an existing Impact Mitigation Plan (IMP), approved in November, 2000. Since that time, the University has developed college facilities and student housing as allowed under the approved IMP.

The University seeks to amend the campus IMP boundary, and exclude 8 residential lots near NE Pacific Street and NE 87th Avenue. This Decision includes a zone map and a site plan depicting these properties.

After removal of these lands from the IMP boundary, they can continue to be used and developed with residential uses, unassociated with Multnomah University and the requirements of the Multnomah University Impact Mitigation Plan.

The removal of the eight lots from the IMP boundary and approved IMP for the university will remain virtually unchanged. The proposal meets all of the applicable approval criteria and therefore should be approved.

AMENDED CONCLUSION:

As noted above, Multnomah University requested 8 lots near the northeast corner of the campus be removed from the IM Boundary. However, the IR zoning remains mapped on these properties. The applicant has requested an Adjustment to waive the Institutional Development Standards and apply the Development Standards of the R5 zone. The request meets all of the applicable criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of:

- An amendment to the originally approved IMP boundary for Multnomah University by removing the following eight lots from within the boundary, identified as:
 - 8516 NE Pacific Street, R234041, State ID No. 1N2E33BC 4400
 - 8526 NE Pacific Street, R234042, State ID No. 1N2E33BC 4500
 - 8536 NE Pacific Street, R234043, State ID No. 1N2E33BC 4600
 - 8600 NE Pacific Street, R234044, State ID No. 1N2E33BC 4700
 - 8610 NE Pacific Street, R234045, State ID No. 1N2E33BC 4800
 - 8620 NE Pacific Street, R234046, State ID No. 1N2E33BC 4900
 - 8630 NE Pacific Street, R234047, State ID No. 1N2E33BC 5000
 - 8640 NE Pacific Street, R234048, State ID No. 1N2E33BC 5100

per the approved site plan, Exhibits C-1, signed and dated April 21, 2014, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal as approved in Case File # LU 14-127896 IM AD."

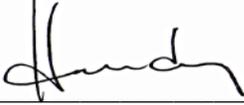
AMENDED ADMINISTRATIVE DECISION:

Approval of:

- An Adjustment to waive the Institutional Development Standards of the IR zone [33.110.245 and Table 110-5] and allow future development on the 8 identified lots to be subject to the development standards of the R5 zone, 33.110.200 through 33.110.285, and Tables 110-1, 110-2, 110-3 and Table 110-4., per the approved site plans, Exhibits C-1, signed and dated July 31, 2014, 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 14-127896 IM AD."

Staff Planner: Sylvia Cate

Decision rendered by:  **on July 31, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 5, 2014

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

Procedural Information. The application for this land use review was submitted on March 18, 2014, and was determined to be complete on March 24, 2014. The amended application to include an Adjustment was determined to be complete on July 8, 2014.

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 March 18, 2014.

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 for the Adjustment will expire on: November 5, 2014.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 19, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails.

There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 20, 2014 – (the day following the last day to appeal)**.
- 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 Impact Mitigation Plan and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remains in effect until:

- All phases of development included in the plan have been completed, or
- The plan is amended or superseded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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;

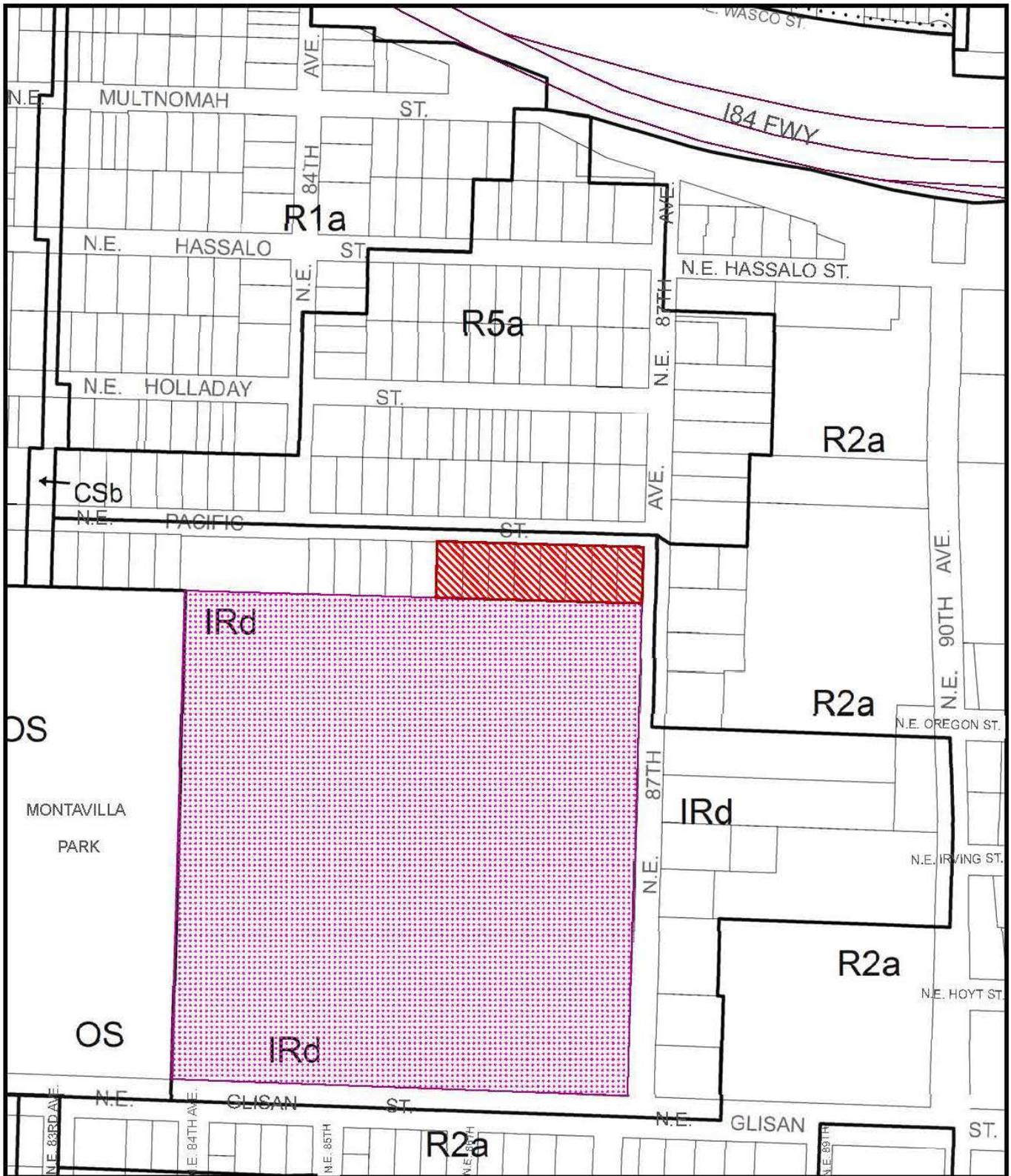
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. 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 BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application

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).

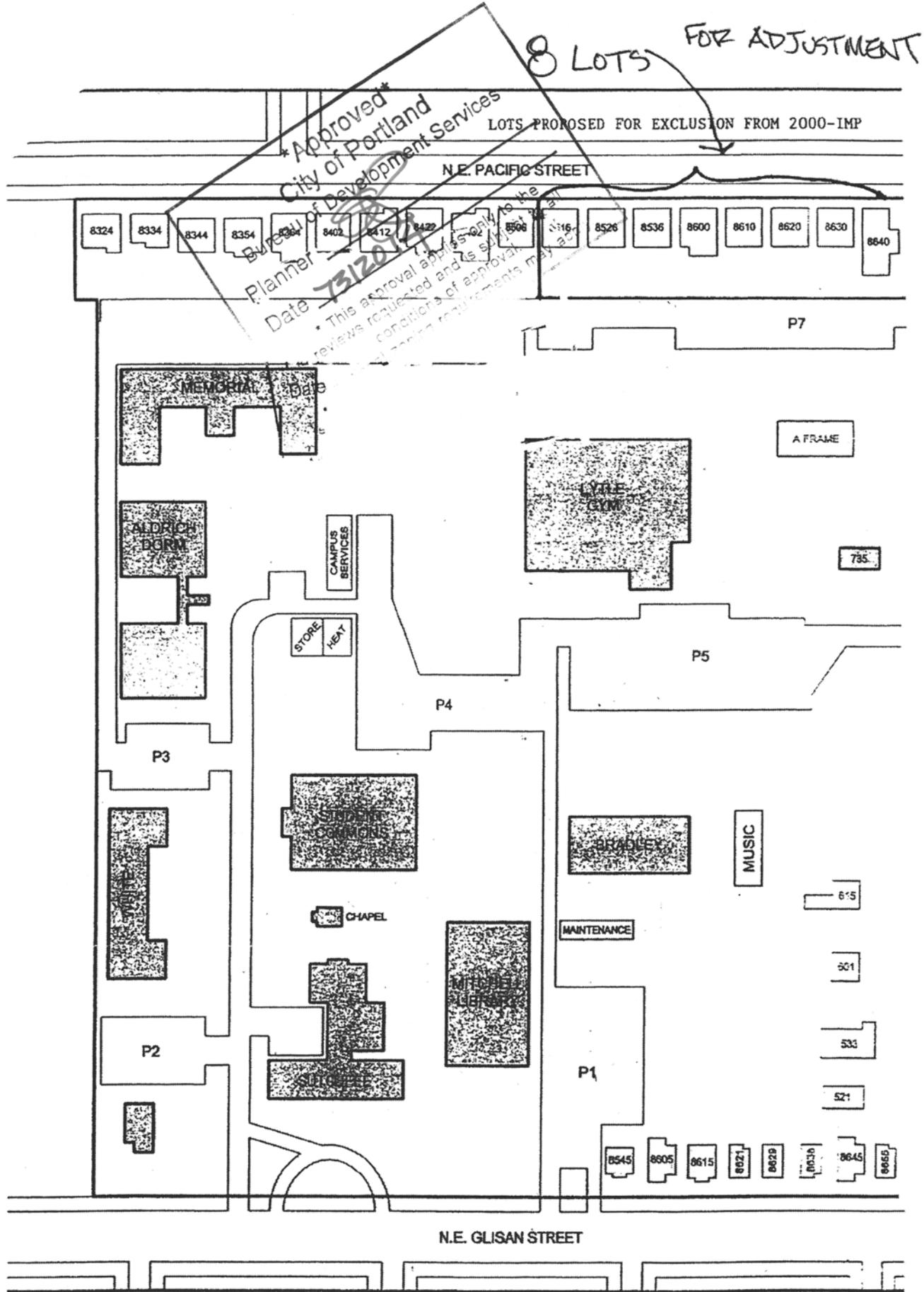


ZONING

-  Site
-  Also Owned



File No. LU 14-127896 IM AD
 1/4 Section 2939
 Scale 1 inch = 250 feet
 State_Id 1N2E33BC 4800
 Exhibit B (July 8, 2014)



SITE PLAN FOR AD

EXHIBIT C-1

Approved
City of Portland
Bureau of Development Services
Planner
Date 7/31/2014

LOTS PROPOSED FOR EXCLUSION FROM 2000-IMP

N.E. PACIFIC STREET

N.E. GLISAN STREET

8 LOTS FOR ADJUSTMENT

This approval applies only to the reviews requested and as shown. Conditions of approval may vary and other requirements may apply.