



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

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Date: June 21, 2017
To: Interested Person
From: Lauren Russell, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 17-167246 CU

GENERAL INFORMATION

Applicant: Tammy Hamilton
Acom Consulting Inc
2215 SE 37th Ave
Portland, OR 97214 / (206) 499-4878

Owner: Holgate Baptist Church
11242 SE Holgate Blvd
Portland, OR 97266-3304

Site Address: 11242 SE HOLGATE BLVD

Legal Description: BLOCK 1 LOT 1&2 EXC PT IN ST, NEWSOMS ADD
Tax Account No.: R603800010
State ID No.: 1S2E15AB 09700
Quarter Section: 3542
Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin
Zoning: R5a – Single-Dwelling Residential 5,000, Alternative Design Density Overlay
Case Type: CU – Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to install accessory telecommunications equipment within the church parking lot of the subject site. This equipment, which will be reviewed under a separate Conditional Use Review at a future date, would occupy 4 parking spaces. In 1994, the Holgate Baptist Church received approval of a Type III Conditional Use Review (file number LUR 94-00038 CU) to remove an existing building from the site and replace it with a 7,968 square foot

addition to the existing church. Part of the proposal included increasing the number of on-site parking spaces from the existing 35 spaces to 54 spaces. Currently, the church parking lot contains 52 spaces, which indicates that 2 spaces have already been removed sometime between 1994 and 2017.

Per Zoning Code Section 33.815.040.B.1.f.(1), on sites with 5 or more parking spaces, up to 1 space or 4-percent of the total number of existing parking spaces, whichever is greater, may be removed without a conditional use review. Any cumulative loss or gain of parking is measured from the time the use became a conditional use, or the last conditional use review, whichever is most recent, to the present. The 1994 review is the most recent so the cumulative loss is measured from the approved 54 parking spaces. Four-percent of 54 spaces is 2 spaces. Because 2 spaces have already been removed, a Conditional Use Review is required to remove 4 more parking spaces for a total of 6 spaces.

Relevant Approval Criteria:

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

- **33.815.105.A-E**, Conditional Use Approval Criteria for Institutional and Other Uses in the Residential Zones.

ANALYSIS

Site and Vicinity: The subject site is a 39,097 square foot lot located at the southwest corner of the intersection of SE Holgate Boulevard and SE 113th Avenue. The site is currently developed with the Holgate Baptist Church, which consists of a two-story 14,746 square foot church building in the southern portion of the lot and a surface parking area in the northern portion of the lot. The church also owns two lots that abut the subject lot to the west. The larger of the two is currently vacant and the smaller lot contains a single-dwelling residence that serves as a parish house. The adjacent properties to the south and those across SE Holgate Boulevard to the north and across SE 113th Avenue to the east are developed with single-dwelling residences. The adjacent property to the southwest is developed with an apartment complex. There is some small-scale commercial development at the intersection of SE Holgate Boulevard and SE 112th Avenue.

Zoning: The R5 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and provide housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The Alternative Design Density (a) overlay zone is an optional overlay zone that provides opportunities for increased density in limited situations, provided that additional design compatibility requirements are met for the project. The overlay zone does not apply to this proposal.

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

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

- MUP 8-54 C: 1954 approval of the tentative SE expressway location cuts across this subdivision. (This expressway was never constructed.)
- LUR 94-00038: 1994 approval of a conditional use for the building expansion and parking lot reconfiguration for a religious institution.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed May 22, 2017. The following Bureaus have responded with no issues or concerns regarding the requested conditional use:

- Bureau of Environmental Services (BES) responded that BES does not object to the requested conditional use proposal (Exhibit E-1);
- Water Bureau responded with no concerns (Exhibit E-3);
- Fire Bureau responded with no concerns (Exhibit E-4);
- Police Bureau responded that the Police Bureau can support this proposal (Exhibit E-5);
- Site Development Section of BDS responded with no concerns (Exhibit E-6);
- Life Safety Review Section responded that based on the information provided, there appears to be no conflicts between the proposal and applicable building codes (Exhibit E-7); and
- Bureau of Parks-Forestry Division responded with no concerns (Exhibit E-8).

The Bureau of Transportation (Exhibit E-2) responded with information demonstrating that the proposed use is supportive of the street designations of the Transportation Element of the Comprehensive Plan and that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Details of this response can be found in the findings below.

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

33.815.010 Purpose of Conditional Use Reviews

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

Findings: The “residential area” for purpose of this criterion is the residentially-zoned land found within approximately two city blocks of the site, or just slightly beyond the distance used for notifying property owners of this Type II land use review. The boundaries of this area are halfway between SE Boise Street and SE Holgate Boulevard to the north, SE 111th Avenue to the west, SE Long Street to the south, and halfway between SE 114th Avenue and

SE 115th Avenue to the east. There are no other non-residential uses on residentially-zoned land within this area.

The proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not increase the number of non-residential uses in the area. The only non-residential use on residentially-zoned land would remain the subject church. Because there is no increase in non-residential uses, this proposal would not significantly lessen the overall residential appearance and function of the area. This criterion is met.

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

Findings: The proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not increase the intensity or use of the church. There is no expected increase in the frequency of services or events, nor in the number of parishioners who attend the services and events. Because there is no increase in the intensity and scale of the non-residential use, this proposal would not significantly lessen the overall residential appearance and function of the area. 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 near 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, tree preservation and landscaping; or

Findings: The proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not alter the site size, building scale and style, setbacks, tree preservation, or landscaping. The church will therefore continue to be compatible with adjacent residential developments. This criterion is met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: Because the proposal will not alter the site size, building scale and style, setbacks, tree preservation, or landscaping and the church will continue to be compatible with adjacent residential developments, there are no differences in appearance or scale that require mitigation. 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

Findings: The proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not generate any noise, any glare from lights, any odors, or any litter. The proposal also would not affect any existing services or events held at the church so it would not result in any late-night operations. The proposal will therefore not have significant adverse impacts on the livability of the nearby residential zoned lands. This criterion is met.

2. Privacy and safety issues.

Findings: The proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not affect privacy for residential neighbors. The Police Bureau

reviewed the proposal and responded that they can support it, so there are no concerns about safety. The proposal will therefore not have significant adverse impacts on the livability of the nearby residential zoned lands.

D. Public services.

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

Findings: The Development Review Section of Portland Transportation (Exhibit E-2) has reviewed the proposal for conformance with street designations and provided the following information:

At this location, the City's Transportation System Plan (TSP) classifies the abutting rights-of-way as follows:

Street Name	Traffic	Transit	Bicycle	Pedestrian	Freight	Emergency Response	Street Design
SE Holgate	Neighborhood Collector	Transit Access	City Bikeway	City Walkway	Local Service	Major Route	Local Service
SE 113 th Ave	Local Service	Local Service	Local Service	City Walkway	Local Service	Minor Route	Local Service

The TSP states the following:

"Neighborhood Collectors are intended to serve as distributors of traffic from Major 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;" and

"Transit Access streets are intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas. Provide safe and convenient pedestrian and bicycle access to transfer points and stops along Transit Access streets;" and

"City Bikeways are intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations. Auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Streets. Destinations along City Bikeways should have long-term and/or short-term bicycle parking to meet the needs of bicyclists;" and

"City Walkway streets are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to corridors, station areas, and main streets."

"Local Service streets are intended to distribute local traffic and provide access to local residences or commercial uses. Auto-oriented land uses are discouraged from using Local Service Traffic Streets as their primary access. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas, and main streets."

The proposed project will have no impacts on the stated functions or objectives of the roadway classifications noted above. The proposed reduction of on-site parking spaces at the existing Holgate Baptist Church site is supportive of the aforementioned streets classifications from the Transportation Element of the Comprehensive Plan (Transportation System Plan [TSP]). 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 Development Review Section of Portland Transportation (Exhibit E-2) has reviewed the proposal and provided and provided the following information regarding the transportation system:

Although it is typical for an applicant to be required to address each of the evaluation factors noted above in the course of a Conditional Use review, the underlying request is for the City to consider a modest reduction of the number of on-site parking spaces. The Portland Bureau of Transportation (PBOT) therefore identifies the above referenced "on-street parking and neighborhood impacts" evaluation factors that are pertinent to the applicant's request. The make-up of the existing church – *i.e.*, size, number of patrons, number/schedule of regular service, etc. – is not changing. Therefore, there is no reason to believe that other factors such as intersection capacity, connectivity, transit availability, access restrictions, and safety for all modes will be any different in relation to the review/approval of the subject Conditional Use request.

The applicant has submitted a professionally prepared parking impact analysis for PBOT's consideration of the expected parking loss on the subject site. The parking analysis, performed with acceptable industry standards, methodologies, assumptions, and practices, was reviewed by PBOT Traffic Engineering staff. The findings provided therein are acceptable to PBOT: that there is currently an abundance of off-street parking opportunities in the area; that the loss of the expected on-site parking spaces will not result in an adverse impact to the on-street parking supply in the area; and therefore, there will be no resulting adverse impact to the neighborhood. 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 (Exhibit E-3) and Fire Bureau (Exhibit E-4) have reviewed the proposal and responded without objection. The Bureau of Environmental Services has reviewed the proposal and responded that there are no issues related to the adequacy of public services for stormwater and sanitary service. The Police Bureau (Exhibit E-5) has reviewed the proposal and responded that the Police Bureau can support this proposal. Therefore, 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 subject site is within the boundaries of the 1996 Powellhurst-Gilbert Neighborhood Plan and the 1996 Outer Southeast Community Plan. The numbered policies and objectives in these plans were adopted by the City Council as part of the Comprehensive Plan. The lettered strategies in these plans were not adopted by the City Council as part of the Comprehensive Plan.

Among the 6 policies of the Powellhurst-Gilbert Neighborhood Plan, only one relates to this conditional use proposal. Policy 1 ensures that the neighborhood is accessible by a variety of transportation modes including walking, bicycling, public transit, auto, and truck, while reducing noise, pollution, and safety hazards. Objective 1 under the Neighborhood Traffic Management subsection of this policy manages traffic and circulation through and in Powellhurst-Gilbert to serve the neighborhood but not dominate it. As stated above in Criterion D, the proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not impact the functions or objectives of the adjacent streets and the transportation system is capable of supporting the proposal.

Among the 6 community-wide policies and the mixed era neighborhoods subarea policy of the Outer Southeast Community Plan, only one relates to this conditional use proposal. The Transportation Policy ensures that streets in outer southeast form a network that provides for efficient travel throughout the community and to other parts of Portland and the region and reduce congestions and pollution caused by the automobile by creating land use patterns that support transit, bike, and pedestrian travel. Again, as stated above in Criterion D, the proposal to remove a total of 6 spaces from the existing parking lot that serves the church would not impact the functions or objectives of the adjacent streets and the transportation system is capable of supporting the proposal.

Therefore, the proposal is consistent with relevant policies and objectives of the areas plans. 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 proposal to remove a total of 6 parking spaces from the existing parking lot that serves Holgate Baptist Church will not significantly lessen the overall residential appearance and function of the area, will be compatible with adjacent residential developments, will not have significant adverse impacts on the livability of nearby residential zoned lands, is capable of being served by public services, and is consistent with area plans. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of a Conditional Use to remove a total of 6 parking spaces from the existing parking lot that serves the Holgate Baptist Church, per the approved site plan, Exhibit C-1, signed and dated June 15, 2017, subject to the following condition:

- 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 and design as approved in Case File # LU 17-167246 CU. No field changes allowed."

Staff Planner: Lauren Russell

Decision rendered by:  **on June 15, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 21, 2016

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 May 5, 2017, and was determined to be complete on May 17, 2017.

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 5, 2017.

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: September 14, 2017.**

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 July 5, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **July 6, 2017** by the Bureau of Development Services.

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

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

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

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

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

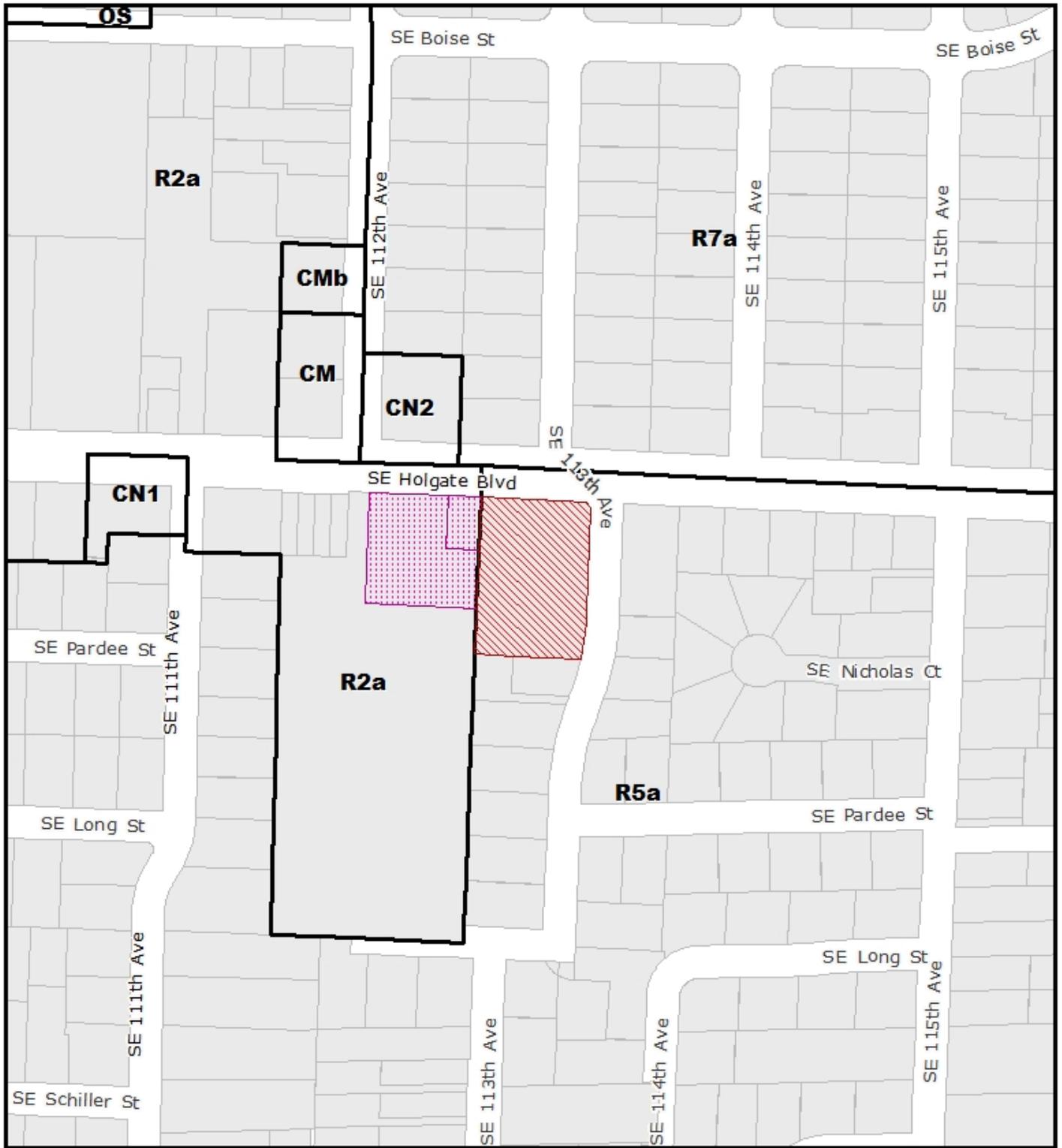
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative and Site Plan received 5/5/17
- 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. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Life Safety Section of BDS
 - 8. 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

THIS SITE LIES WITHIN THE:
JOHNSON CREEK BASIN PLAN DISTRICT

-  Site
-  Also Owned Parcels

File No.	LU 17-167246 CU
1/4 Section	3542
Scale	1 inch = 200 feet
State ID	1S2E15AB 9700
Exhibit	B May 10, 2017

