



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

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**Date:** October 23, 2017  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771 / [Don.Kienholz@portlandoregon.gov](mailto:Don.Kienholz@portlandoregon.gov)

## **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 17-220453 IM**

#### **GENERAL INFORMATION**

**Applicant:** Debbie Cleek | The Bookin Group  
1140 SW 11th Ave #600  
Portland OR, 97205 | 503-789-3211  
[Cleek@Bookingroup.Com](mailto:Cleek@Bookingroup.Com)

**Owner:** Portland Community College | C/O Rebecca Ocken  
9700 SW Capitol Highway, Suite 260  
Portland OR 97219  
971-722-8463 | [Rebecca.Ocken@Pcc.Edu](mailto:Rebecca.Ocken@Pcc.Edu)

**Site Address:** 820-828 N KILLINGSWORTH ST

**Legal Description:** W J PATTON'S SUB BLK I BLOCK 2 E 44' OF LOT 1&2, M PATTONS & SUB

**Tax Account No.:** R520702650  
**State ID No.:** 1N1E22BA 02200  
**Quarter Section:** 2529

**Neighborhood:** Humboldt, contact [HNAnews@gmail.com](mailto:HNAnews@gmail.com).  
**Business District:** Soul District Business Assoc, contact at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Other Designations:** Piedmont Conservation District

**Zoning:** CS – Storefront Commercial

**Case Type:** IM – Impact Mitigation Plan Amendment  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant, Portland Community College, is requesting a modification to their Impact Mitigation Plan (IMP) for their Cascade Campus in order to remove from the IMP boundary and sell the subject property located at 820-828 N. Killingsworth Street. Once removed, the property would be regulated by the CS zoning standards and not the IMP plan.

College campuses are often in residential areas and have a drastically different character and scale than the surrounding residential community. An IMP provides a unique development strategy for a specific institution that sets a boundary for the campus that can include potential future acquisitions. Additionally, IMPs establish a customized process and unique development standards in order to streamline development while also having the least impact on the surrounding residential area. The addition or removal of specific properties to or from an established IMP boundary by an institution requires a modification to the IMP's boundary.

Portland Community College acquired the subject property in 2010 with the intent to utilize the property as part of their campus. However, the college never integrated the property into the campus. Now, the college wishes to sell the surplus property. As noted earlier, removing and selling a property from an established IMP boundary requires a modification to the IMP plan and boundary, requiring this land use application.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Portland Zoning Code Section 33.848.050, which can be located online here: <https://www.portlandoregon.gov/bps/?c=34566&a=53489>, and focuses on minimizing and mitigating any potential adverse impact to the surrounding residential area and community.

**ANALYSIS**

**Site and Vicinity:** The subject site contains a three-story commercial building built in the early 1900's that is owned by Portland Community College but currently held in surplus. The property is located just east of I-5 on a commercial stretch of N. Killingsworth that stretches from I-5 east to N. Albina where it runs into the main campus of Portland Community College (PCC) – Cascade. Further to the east and on the south side of N. Killingsworth is Jefferson High School. Outside of the PCC and Jefferson campuses, the vicinity is made up of a residential neighborhood with R5 zoning to the north of Killingsworth, R1 and R2.5 to the south and a commercial strip down Killingsworth Street. Buildings in the area are made up mostly of early 20<sup>th</sup> century buildings peppered with infill development ranging from the 1950's to today.

The Cascade campus of Portland Community College comprises a developed core campus area of approximately eight city blocks, with the majority of the campus occupying an area generally bounded by Killingsworth to the south, Albina to the west, Jarrett to the north and an alleyway parallel to N. Commercial Avenue to the east. The college received approval of an Impact Mitigation Plan [Case File Number 01-007888 IM] to expand the campus over 20 years in two Phases. The approved Impact Mitigation Boundary from 2001 included many properties that were not in the ownership of Portland Community College but along the periphery, making them viable for potential campus expansion without the need to amend the Impact Mitigation Plan Boundary. The privately owned properties are generally located south of N Simpson Street along N. Michigan and N. Mississippi adjacent to the campus as well as along N. Killingsworth Street west of the campus.

**Zoning:** CS – Storefront Commercial with a Comprehensive Plan designation of Institutional Residential (IR) with a design review ('d') overlay zone.

**Land Use History:**

**LUR 01-007888 IM:** Approved 20-year Impact Mitigation Plan for the Portland Community College – Cascade campus with areas identified for potential future expansion. Lots identified for potential future expansion around the campus were in private ownership and not subject to the IMP regulations and standards until such time as the college obtained title to them.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **August 31, 2017**. The following Bureaus have responded with no objection or concerns:

- Bureau of Environmental Service (Exhibit E.1);
- Portland Bureau of Transportation Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4); and
- Life Safety (Exhibit E.5).

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

## ZONING CODE APPROVAL CRITERIA

### 33.848.050 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 01-007888 IM. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 to sell a surplus property purchased after approval of the IMP approval, but never improved or used for the campus. Removing the property from the IMP Boundary will not impact any mitigation measures previously approved via Case File LUR 01-007888 IM since the property was not developed for the college. Therefore, the findings of LUR 01-007888 IM are not impacted and remain valid and require no changes.

*Criterion 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:** Removing the subject property from the IMP boundary will not alter the physical campus of the college or its programming. The applicant proposes no changes to the uses previously approved via Case File LUR 01-007888 IM. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary. Once removed from the IMP Boundary, development of the site will be subject to the base zone standards of Title 33 (currently the CS Zone) and regulation of Title 32.

*Criterion 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 by removing the subject property from the IMP boundary. Even though the property is within the IMP boundary, it is zoned Commercial Storefront (CS) rather than Institutional Residential (IR), and has been since before approval of the original IMP in 2001. Additionally, the property is surrounding on all sides by other CS zoned properties.

Because the property is zoned CS, is surrounded by other CS zoned properties, will be under private ownership and is being removed from the college's IMP boundary, this criterion is not applicable.

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

**Findings:** The original IMP was approved in 2001 with findings that the plan was supportive of the Transportation Element of the Comprehensive Plan. The subject site was a privately owned commercial property included in the IMP Boundary but was not part of the campus. In 2010 the college purchased the property with the possibility of adding it to its campus and operations, but never did. Instead, the property was in surplus and never developed as part of the college.

The Hearings Officer found the IMP supportive of the Transportation Element of the Comprehensive Plan in 2001 while the subject property was within the IMP boundary but not owned by the college or subject to the IMP standards and regulations. The subject property, while purchased by the college in 2010, was never utilized for campus operations and never impacted the transportation system. Now the college is proposing to sell the property and remove it from the IMP Boundary, effectively resulting in no net change or impact form, or to, the original findings. Removing the property from the IMP boundary will have no impact on the ability of the institution to meet the Transportation Element of the Comprehensive Plan. As such, this proposal maintains the supportive nature of the original IMP on the transportation system and the original findings of LUR 01-007888 IM remain valid.

*Criterion 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 new development or changes that would impact the transportation system. Any further development of the site would need to be in conformance with the base zone. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 new development or changes that would impact adequacy of public services. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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, including on the subject lot to be removed from the IMP boundary. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 physical development or operational changes to the approved IMP plan. The proposal is only to remove the subject lot, with its three-story commercial building, from the existing IMP boundary. The subject lot is zoned Storefront Commercial, is adjacent to only other commercially zoned properties and is intended for commercial uses that serve the adjacent residential areas. The purpose of the existing zoning on the subject site and nearby zoning pattern is to ensure the desirability of the adjacent residential areas is not decreased and housing will not be adversely impacted. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 to remove the subject property from the IMP boundary and does not propose to add development to, or change operations at the

college. The applicant proposes no changes to the approved design, landscaping, and transportation demand management plans. The subject property was added to the campus in 2010 after the IMP plan was approved but never utilized for the college. As such, removing the subject site from the campus and IMP boundary will have no adverse impacts to the residential, commercial and industrial uses located within the neighborhood. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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. Removing the property from the boundary of the IMP boundary has no impact on the ability of the institution to meet the requirements of the IMP on portions of the campus that will continue to be regulated by the IMP. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 and uses allowed on the lot following its removal from the IMP boundary. Once removed from the boundary it will be regulated by the requirements and standards of the base zone, which is currently CS. Therefore, the findings of LUR 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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 01-007888 IM remain valid, and no changes are necessary.

*Criterion 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. The subject property was included in the IMP boundary but was not subject to the IMP requirements until it was purchased by the college in 2010. Since its purchase, it has not been utilized as part of the college. Therefore, the removal of the property from the IMP boundary will have no effect on the campus and the findings of LUR 01-007888 IM remain valid.

*Criterion 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:** Guidelines and standards to ensure compliance with these standards were reviewed by the Design Commission and adopted in the findings of LUR 01-00751 DZ. However, the current proposal does not include and physical development or changes in the operation of the college – only the removal of the subject site from the IMP boundary. By removing the property from the IMP boundary, development on the site will no longer be subject to the design guidelines and standards, and instead be regulated by the standards of the CS zone. As such, this criterion is not applicable and the findings of LUR 01-007888 IM remain valid

*Criterion 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 applicant has demonstrated compliance with the IMP approval criteria that removing the subject lot from the IMP boundary will not materially alter the findings of the original IMP plan approved in 2001 under LUR 01-007888 IM. With no physical development proposed or alterations to the operations of the college resulting from removing the property from the IMP boundary, staff finds the mission statement and uses are unchanged; mitigation from the original IMP is still adequate; the plan is still supportive of the Transportation Element of the Comprehensive Plan; public services, including the transportation system remain adequate for the college; city-designated resources are still protected; the appearance and operation of the college will remain the same and the removal of the subject lot will not adversely impact the surrounding residential neighborhood; and the plan remains consistent with the plans and objectives originally adopted as part of the 2001 IMP.

## **ADMINISTRATIVE DECISION**

Approval of an amendment to the originally approved IMP boundary for Portland Community College - Cascade by removing the subject site, known as tax R210718 and 820-828 N. Killingsworth Street, from within the boundary, per the zoning map in Exhibit B and the submitted site plan, Exhibit C.1, signed and dated October 17, 2017, 2017.

**Staff Planner: Don Kienholz**

Decision rendered by:  on October 17, 2017  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 23, 2017**

**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 August 10, 2017, and was determined to be complete on August 23, 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 August 10, 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: December 21, 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 November 6, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 **November 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 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 superceded; 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 Materials
  - 1. Summary and Narrative
  - 2. Copy of Summary Notes for EA 17-177220
- B. Zoning Map (Attached)
- C. Plans/Drawings:
  - 1. Site Plan Showing Lot to be Removed (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. Life Safety
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Receipt of Payment
  - 3. Multnomah County Assessment and Taxation Information Sheet Showing Changes in Ownership

**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:  
PIEDMONT CONSERVATION DISTRICT



Site



Also Owned Parcels



Historic Landmark

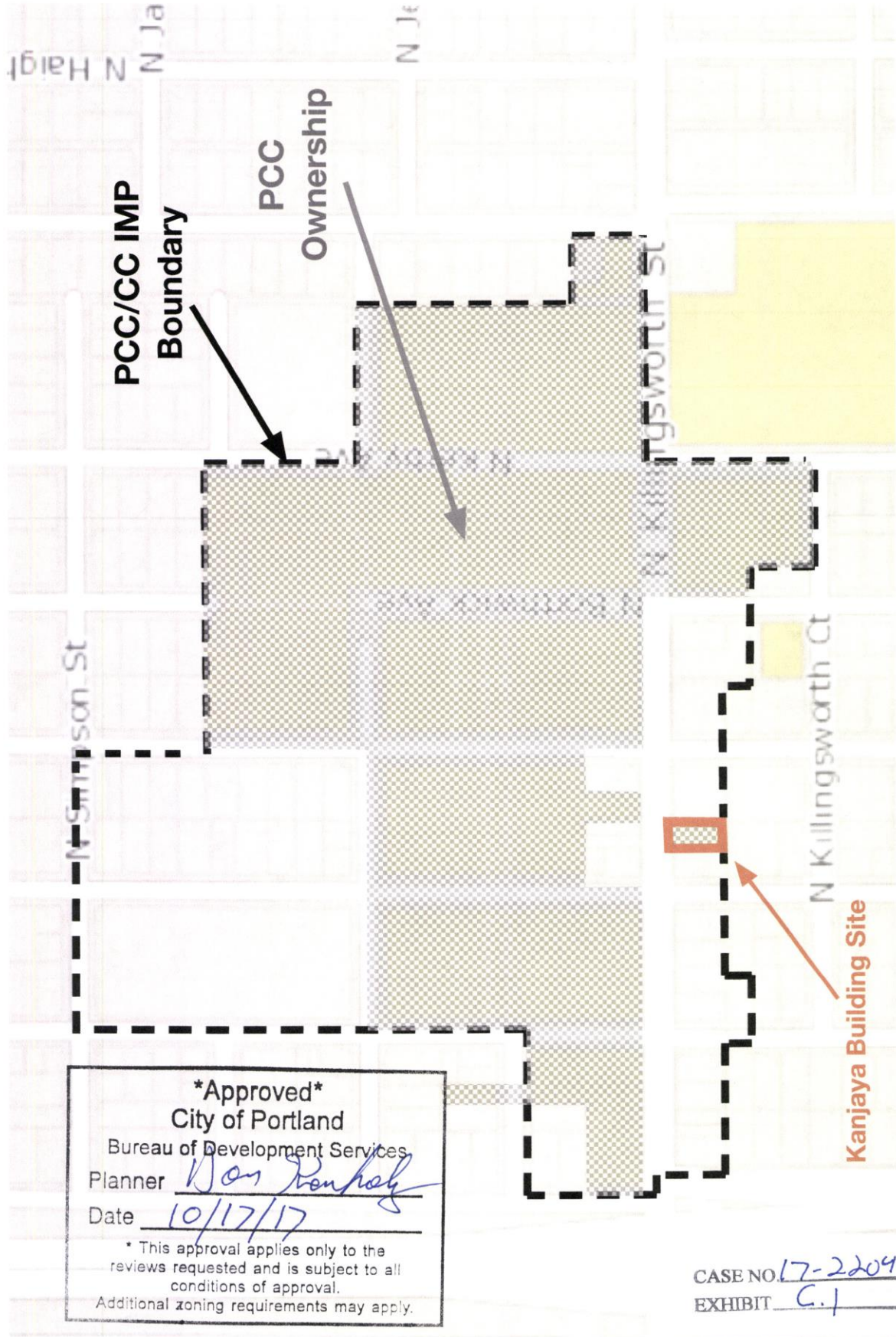
File No. LU 17-220453 IM

1/4 Section 2529

Scale 1 inch = 300 feet

State ID 1N1E22BA 2200

Exhibit B Aug 11, 2017



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Don Penhaly  
 Date 10/17/17

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

CASE NO. 17-220453IM  
 EXHIBIT C.1

**Figure II-1: Impact Mitigation Plan Boundary and PCC/CC Ownership**