



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

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Date: March 25, 2019
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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 19-113985 CU

GENERAL INFORMATION

Applicant: Chris Maas
Immanuel Lutheran Church
14845 SE 150th Pl.
Clackamas, OR 97015

Property Owner: Immanuel Lutheran Church
7810 SE 15th Ave.
Portland, OR 97202

Site Address: 7810 SE 15th Ave., 1546 SE Lambert St.

Legal Description: BLOCK 9 LOT 9, MILLERS ADD; BLOCK 9 W 1/2 OF LOT 10&11, MILLERS ADD; BLOCK 9 E 1/2 OF LOT 10&11 LOT 12-14, MILLERS ADD; BLOCK 9 LOT 15, MILLERS ADD; BLOCK 9 LOT 16, MILLERS ADD

Tax Account No.: R571201990, R571202030, R571202050, R571202110, R571202130
State ID No.: 1S1E23DB 12100, 1S1E23DB 12000, 1S1E23DB 11900, 1S1E23DB 11800, 1S1E23DB 11700

Quarter Section: 3832
Neighborhood: Sellwood-Moreland, contact chair.landuse.smile@gmail.com
Business District: Sellwood-Westmoreland, contact info@sellwoodwestmoreland.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010
Zoning: R5a – Single-Dwelling Residential 5,000 with Alternative Design Density (“a”) overlay zone

Case Type: CU – Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer

Proposal: The applicant proposes to remove Lot 16 (1546 SE Lambert Street) from the Conditional Use site for Immanuel Lutheran Church and make Lot 16 available for sale. Type II Conditional Use Review is required to reduce the existing Conditional Use site area for the

church, per Zoning Code Section 33.815.040.B.2.a(2). The applicant proposes to reconfigure the existing church parking lot to maintain compliance with the 5-foot minimum setback requirement between the parking lot and the new eastern boundary of the church site. The number of existing parking spaces would not change. The applicant proposes to remove the playground equipment which is currently on Lot 16 and install new playground equipment in the southwestern portion of the church site, near the intersection of SE 15th Avenue and SE Bidwell Street. (The applicant indicated that any new hardscape for the new playground area would be less than 1,500 square feet in area. Therefore, the new playground area in the southwestern portion of the site would not trigger Conditional Use Review, per Zoning Code Section 33.815.040.B.1.d.)

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, the Portland Zoning Code. The relevant criteria are in Zoning Code Section 33.815.105.A-E.

The City's new Comprehensive Plan has been appealed. Because Zoning Code Section 33.815.105.A-E is currently considered an "unacknowledged land use regulation", this proposal must also comply with applicable Statewide Planning Goals.

ANALYSIS

Site and Vicinity: The subject site for this review includes 5 contiguous tax lots owned by Immanuel Lutheran Church. Including Lot 16, which the applicant proposes to remove from the Conditional Use site with this review, the site is 40,000 square feet in area. With the removal of Lot 16, the church's Conditional Use site will be 35,000 square feet. The site is in the Sellwood-Moreland neighborhood and is located on the east side of SE 15th Avenue, between SE Lambert Street and SE Bidwell Street. The site is developed with a church, surface parking, playground, and landscaping. Surrounding properties are developed with single-dwelling houses.

Zoning: The R5 zoning designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote 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. Institutional uses such as churches are allowed in the R5 zone through Conditional Use Review.

The site is also within the boundaries of the Alternative Design Density ("a") overlay zone. The purpose of the "a" overlay zone is to focus development on vacant sites, preserve existing housing, and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The associated regulations are not applicable to this proposal.

Land Use Review History: City records include the following prior land use reviews for the subject site:

1. CU 46-90: 1990 Conditional Use and Variance approval to expand the preschool on the site. Relevant conditions of approval from this decision which continue to apply are:
 - No more than 60 children can be on the site at any time.
 - The allowable hours of operation are 6:00 am to 6:00 pm weekdays.
 - Outdoor play areas cannot be used before 9:00 am.
 - Four of the spaces in the parking lot must be reserved with signs for pick-up and drop-off of children.
 - The preschool must maintain a program to encourage employees and parents to carpool.

2. CU 125-86: 1986 Conditional Use approval for an addition to the church building. Condition of approval E from this decision requires a solid fence or hedge at least 5 feet tall between the parking lot and the eastern boundary of the site.
3. CU 16-84: 1984 Conditional Use approval to establish a nursery school in the existing church building.

Agency Review: A “Notice of Proposal” was sent February 25, 2019. The following Bureaus have responded:

- The Bureau of Environmental Services (BES) responded with no objections to the Conditional Use Review proposal and noted that future development would trigger BES requirements. (Exhibit E-1)
- The Portland Bureau of Transportation (PBOT) responded with findings for the transportation-related approval criterion. This response is detailed below under “Zoning Code Approval Criteria.” (Exhibit E-2)
- The Water Bureau responded with no concerns. (Exhibit E-3)
- The Fire Bureau responded with no concerns. (Exhibit E-4)
- The Police Bureau responded with no concerns. (Exhibit E-5)
- The Site Development Review Section of BDS responded with no concerns. (Exhibit E-6)
- The Life Safety Review Section of BDS responded with no objections to the proposal and information on future permit requirements. (Exhibit E-7)
- The Urban Forestry Section of Portland Parks and Recreation responded with no concerns. (Exhibit E-8)

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

APPROVAL CRITERIA

Conditional Use Review

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: This Conditional Use Review is to detach the easternmost part of the site (Lot 16 - 1546 SE Lambert Street) from the previously-approved Conditional Use site for Immanuel Lutheran Church. No new development is proposed with this application. The removal of Lot 16 from the church's Conditional Use site will make the lot available for residential development, which is permitted outright in the R5 zone. Therefore, the proposal will not lessen the residential appearance and function of the area, and in fact will facilitate an increased proportion of residential uses in the area. Staff finds this criterion is met.

B. Physical compatibility.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case "s." Since there are no City-designated scenic resources on or near this site, criterion B.1 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
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: No new development is proposed with this application. The only physical alterations to the church site will be cutting back the parking lot from the new eastern boundary of the church site (the west lot line of Lot 16) and installing new playground equipment in the southwestern portion of the site, near the intersection of SE 15th Avenue and SE Bidwell Street.

The applicant indicated that any new hardscape for the new playground area will be less than 1,500 square feet in area, so the new playground does not trigger Conditional Use Review (Zoning Code Section 33.815.040.B.1.d). Also, as shown in Exhibit C-1, the playground equipment will be set back further from the street lot lines than the minimum 10-foot setback for accessory structures (Zoning Code Section 33.110.245.C.1, Table 110-5).

Cutting back the parking lot to maintain a 5-foot setback from the eastern boundary of the church site is required to maintain compliance with Zoning Code Section 33.266.130.G.2.c. Staff finds this minimum setback is also important for physical compatibility between the church site and the residential area, since Lot 16 will likely be developed with a new residence after the church sells it. Therefore, a condition of approval will require the parking lot to be reconfigured to provide the 5-foot setback before the church can sell Lot 16. The condition of approval requires the parking spaces to be re-striped in a manner that does not change the existing number of parking spaces (15) and which continues to meet the minimum dimensional requirements for parking spaces and drive aisles in Zoning Code Section 33.266.130.F. As illustrated in Exhibit C-1, the reconfigured parking lot can provide 15 parking spaces and meet the minimum dimensional standards for parking spaces and drive aisles.

Staff also finds that new trees and shrubs within the 5-foot setback will enhance physical compatibility between the church and the residential area by screening and buffering the parking lot from future residential development on Lot 16. A condition of approval will require a landscaping buffer meeting the L3 (high screen) standard in Zoning Code Section 33.248.020.C to be planted in the 5-foot setback between the church parking lot and the west lot line of Lot 16. The L3 standard requires trees, a

continuous row of 6-foot-high evergreen shrubs, and ground cover plants. This new landscaping will also satisfy condition of approval E from CU 125-86, which requires either a fence or hedge between the parking lot and the eastern boundary of the church site.

For the reasons discussed above, and with the conditions of approval discussed above, staff finds approval criterion B is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

Findings: No new development is proposed with this Conditional Use Review, and any future development proposal for Lot 16 will be subject to zoning regulations at that time. The Conditional Use Review proposal does not change anything about the existing church operations except for cutting back the parking lot 5 feet from the east lot line and installing a new playground in the southwestern portion of the site. No exterior lighting is proposed to be installed or moved, and no new late-night activities, odor-producing activities, or litter-producing activities are proposed.

As explained above, the new playground in the southwestern portion of the site will be too small to trigger Conditional Use Review. However, staff notes the new playground will be adjacent to street rights-of-way rather than neighboring homes, and the playground equipment will be set back further than required from the street lot lines. Also, the playground will continue to be subject to conditions of approval from CU 46-90 (listed above under "Land Use Review History") which limit noise impacts on neighbors.

Staff finds that privacy for any future residence on Lot 16 will be enhanced by the condition of approval for new trees and tall evergreen shrubs along the east side of the church parking lot.

For the reasons discussed above, and with the condition of approval for new trees and shrubs, staff finds this Conditional Use Review will have no significant adverse impacts related to noise, glare, late-night operations, odors, litter, privacy, or safety. Approval criterion C is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

Findings: The Portland Bureau of Transportation (PBOT) reviewed the proposal and submitted the following response (Exhibit E-2):

At this location, the City's Transportation System Plan (TSP) classifies NE 15th Ave as a City Bikeway, Local Service for all remaining modes; whereas both NE Bidwell St and SE Lambert are classified as Local Service for all modes. All of the abutting streets and pedestrian corridors are improved and meet or exceed City standards.

As noted, the subject church property is reducing its physical boundaries by relocating an existing playground and selling off the eastern most lot. In order to meet on-site parking lot dimensions, maneuverability, and landscaping standards, the applicant has proposed to shift the northeastern parking spaces within the existing parking lot slightly to the west in order to establish the required parking lot setback and landscaping, while maintaining Title 33 parking lot standards. With no change to the existing church's congregation size, current programs or extracurricular activities; nor significant changes to the existing parking lot, vehicle circulation, or other site characteristics, impacts related to any of the evaluation factors related to this approval criteria are not expected, therefore will have no effect on the public transportation system, and minimal impacts to the surrounding neighborhood.

Availability to Transit is located approximately 600-ft to the east of the subject lot, with Line #70 operating Standard Service along SE Milwaukie. SE 15th is an identified City Bikeway, among many other low volume streets providing numerous cycling routes throughout Sellwood and to other areas within Portland. Vehicle access will continue to be provided via the two existing curb cuts on SE Bidwell and SE Lambert, which does not change any on-street parking availability adjacent to the church site.

Anticipated projects in the surrounding vicinity include SE 13th Ave. Streetscape Improvements, which has yet to receive a time frame at time of decision. The objective is to implement streetscape and transportation improvements, including crossing improvements, in increase opportunities to walk and enhance the Main Street character of the neighborhood.

In conclusion, based on the evidence included in the record, and primarily, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area".

Based on these findings from PBOT, staff finds approval criteria D.1 and D.2 are 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 and the Fire Bureau reviewed the proposal and responded with no concerns (Exhibits E-3 and E-4, respectively). The Portland Police Bureau reviewed the proposal and responded that police services are adequate for the proposed change (Exhibit E-5). The Bureau of Environmental Services stated that existing sanitary sewer service and stormwater disposal facilities are adequate for purposes of this approval criterion (Exhibit E-1). For these reasons, staff finds approval criterion D.3 is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site is within the boundaries of the Sellwood-Moreland Neighborhood Plan. The following statements from the Sellwood-Moreland Neighborhood Plan are relevant:

- Policy XI – Residential Areas, Objective 1:
Ensure of mix of housing units to serve the needed range of types, sizes and income levels that will accommodate a socially and economically diverse neighborhood population.
- Policy XII – Environment and Greenspaces, Objective 3:
Promote the “urban forest” in Sellwood-Moreland.
- Policy XIV - Community Services, Objective 2:
Retain and strengthen a mix of uses and activities – residential, commercial, employment, institutional and social.

The removal of Lot 16 from the church’s Conditional Use site will allow the church to sell it. This transaction will strengthen the church’s financial position, helping it to retain its place in the mix of uses and activities in the neighborhood. The removal of Lot 16 from the Conditional Use site will also allow a new house to be built on this lot, adding to the neighborhood’s housing supply. The condition of approval discussed above for new trees adjacent to the church parking lot will add to the “urban forest” in the neighborhood.

For these reasons, and with the condition of approval for new trees, staff finds the proposal is consistent with the Sellwood-Moreland Neighborhood Plan. Approval criterion E is met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing. The public notice requirements for this application have been met, and nothing

about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. The proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goals 3 and 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building

permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The proposal complies with applicable sanitary sewer and stormwater management requirements. Therefore, the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. The current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an

increase in the City's housing supply, the proposal is consistent with Goal 10.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. No development is proposed with this application, and no changes to existing public facilities and services are needed for this proposal. Therefore, the proposal is consistent with Goal 11.

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The current proposal does not affect the City's transportation system and the goals of the TSP. Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City implements energy efficiency requirements for buildings, as required by the current building code. For these reasons, Goal 13 is met.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the

Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

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 requirements of Title 11 can be met, and 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 Conditional Use Review removes Lot 16 (1546 SE Lambert Street) from the Conditional Use site for Immanuel Lutheran Church, allowing the church to sell Lot 16. Conditions of approval will require the church to cut back its parking lot and provide a 5-foot-wide landscaping buffer with trees and shrubs between the church parking lot and Lot 16. With these conditions of approval, the proposal will meet the applicable approval criteria. The residential appearance and function of the area will not be lessened, and the church site will maintain physical compatibility with the neighborhood. The proposal will not negatively impact neighbors' livability, and the proposal does not create any problems with the availability of public services.

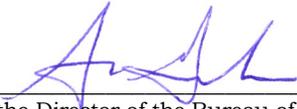
The proposal is also consistent with relevant objectives of the Sellwood-Moreland Neighborhood Plan. Since the approval criteria are found to be met with the conditions listed below, the Conditional Use Review must be approved.

ADMINISTRATIVE DECISION

Approval of Conditional Use Review to remove Lot 16 (1546 SE Lambert Street) from the Conditional Use site for Immanuel Lutheran Church, per the approved site plan, Exhibit C-1, signed and dated March 19, 2019, subject to the following conditions:

- A. Before Lot 16 can be removed from the church's ownership, the existing church parking lot must be cut back to provide a minimum 5-foot setback between the eastern edge of the church parking lot and the west lot line of Lot 16. The existing parking spaces must be re-stripped in a manner that does not change the existing number of parking spaces (15) and which continues to meet the minimum dimensional requirements for parking spaces and drive aisles in Zoning Code Section 33.266.130.F. A zoning permit or building permit for this work must be submitted within 90 days of this approval. Each of the required site plans for the building permit or zoning permit must reflect the information and design approved by this land use review as indicated in Exhibit C-1. The site plans must be labeled, "Proposal and design as approved in Case File # LU 19-113985 CU."
- B. A minimum 5-foot-wide landscaping buffer which meets the L3 (high screen) landscaping standard in Zoning Code Section 33.248.020.C must be planted between the eastern edge of the church parking lot and the west lot line of Lot 16. A landscaping plan which meets the applicable requirements in Zoning Code Chapter 33.248 must be submitted with the building permit or zoning permit required by Condition of Approval A. A fence may be provided in addition to the L3 landscaping buffer but is not required.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on March 19, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2019

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 January 30, 2019 and was determined to be complete on February 21, 2019.

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 January 30, 2019.

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 June 21, 2019.**

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 April 8, 2019** 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 **April 8, 2019** 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.

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

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

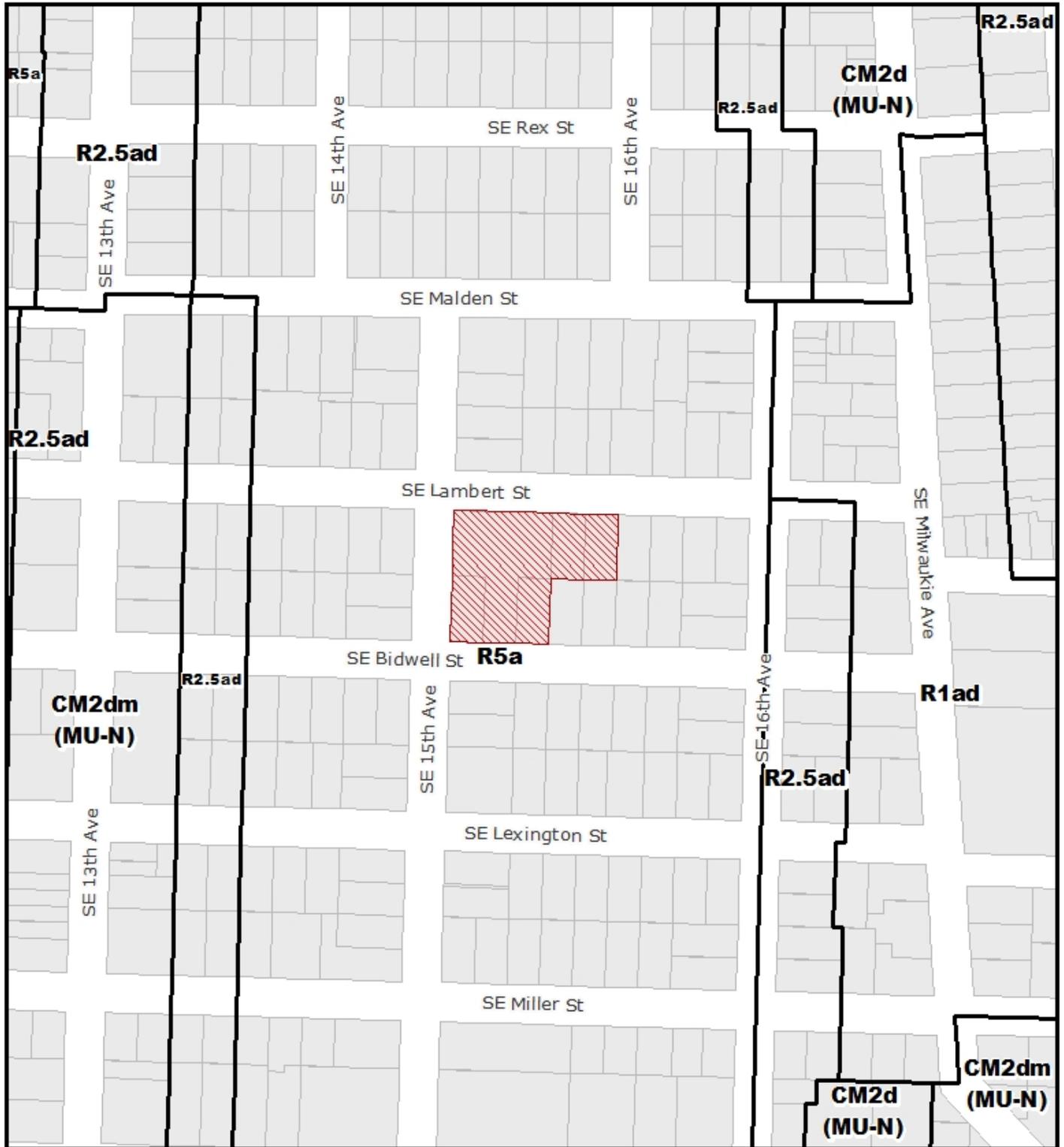
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Applicant's narrative
 2. Originally submitted site plan, prior to revisions (superseded by Exhibit C-1)
 3. Supplemental site plan with square footage calculations
- 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. Portland Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Police Bureau
 6. Site Development Review Section of BDS
 7. Life Safety Review Section of BDS
 8. Bureau of Parks, Forestry Division
- F. Correspondence – none received
- G. Other:
 1. Land use application form and receipt
 2. Incompleteness determination letter, dated February 13, 2019

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

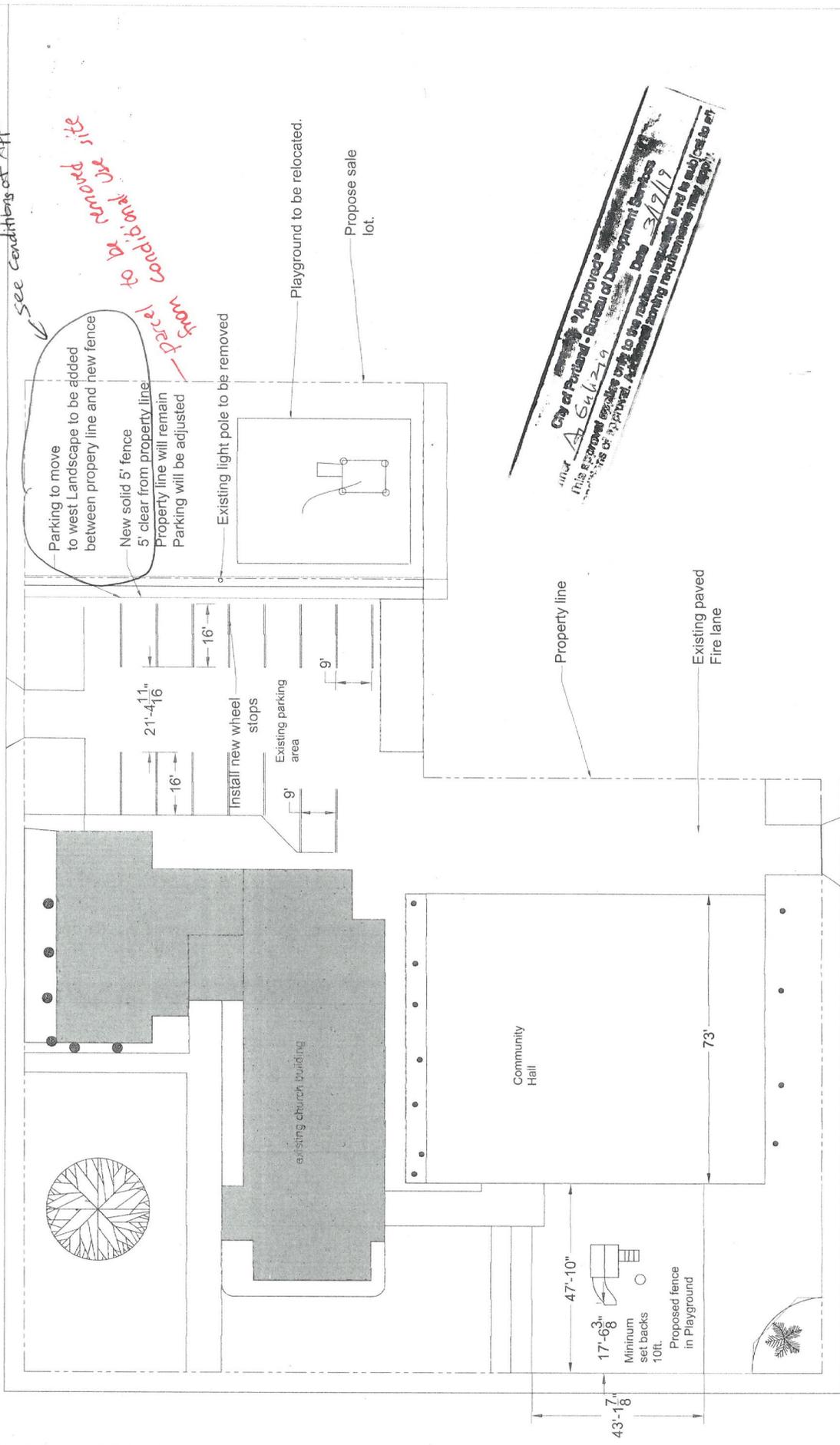


ZONING  NORTH

 Site

File No.	LU 19-113985 CU
1/4 Section	3832
Scale	1 inch = 200 feet
State ID	1S1E23DB 11700
Exhibit	B Feb 04, 2019

See conditions of Approval A and B



LU 19-113785 C4
Exhibit C-1

Scale 1/8" = 1'

Property layout

7810 SE 15th Ave Portland Or. 97202

Immanuel Lutheran Church