



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 2, 2020

**To:** Interested Person

**From:** Rodney Jennings, Land Use Services  
503-823-5088 / [Rodney.Jennings@portlandoregon.gov](mailto:Rodney.Jennings@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 20-112687 CU**

#### **GENERAL INFORMATION**

**Applicant:** Brett Barton  
Wilde Properties Inc  
5933 NE Flanders St  
Portland OR, 97213  
(503) 706-0722; [brett@nwdevelop.com](mailto:brett@nwdevelop.com)

**Owner:** St Paul Baptist Church  
8213 N Fiske Ave  
Portland, OR 97203-3526

**Site Address:** 8213 N FISKE AVE

**Legal Description:** BLOCK 6 LOT 1-3, GARDEN PK; BLOCK 110 LOT 10 EXC E 2 1/2', NORWOOD; BLOCK 110 LOT 11, NORWOOD; BLOCK 110 LOT 12, NORWOOD; BLOCK 103 ELY 2.5' OF LOT 3 LOT 4&5, UNIVERSITY PK

**Tax Account No.:** R304601340, R618600980, R618600990, R618601000, R851311990

**State ID No.:** 1N1E08CA 08200, 1N1E08CA 12600, 1N1E08CA 12700, 1N1E08CA 12800, 1N1E08CA 11800

**Quarter Section:** 2225

**Neighborhood:** Portsmouth, contact Shawn Postera at [pna.landusechair@gmail.com](mailto:pna.landusechair@gmail.com)

**Business District:** University Park Business District, contact at <https://www.facebook.com/UPBizDist/>

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

**Plan District:** None

**Other Designations:** None

**Zoning:** R5 – Single-dwelling Residential 5,000 zone

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

**Proposal:**

St Paul Baptist Church is located on an approved Conditional Use site. This existing site of the St Paul Baptist Church includes the church building located at 8101 N Fiske Ave, a parking lot located across N Fiske Ave, and a house structure located north of the church building at 8213 N Fiske Ave. This house structure was used in the past as a conference and youth center for the church. The applicant proposes to remove the 5,000 square foot lot at 8213 N Fiske Ave on which the house structure is located from the Conditional Use site boundary. The applicant's intent is to reestablish a single-dwelling residential use in the house structure. Per Zoning Code Section 33.815.040B.2, reductions to a Conditional Use site boundary that do not take a site out of conformance, or further out of conformance with a development standard, require approval of a Type II Conditional Use Review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are 33.815.105.A through .E (Institutional and Other Uses in Residential and Campus Institutional Zones).

Because one or more of the criteria listed above is an unacknowledged land use regulation, this proposal may also have to comply with applicable Statewide Planning Goals. The Statewide Planning Goals may be viewed at <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>.

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. This application was submitted on January 31, 2020, and determined to be complete on February 27, 2020. Should the applicable city approval criteria become acknowledged during the course of the review, the proposal may no longer be required to demonstrate compliance with the Statewide Planning Goals.

## ANALYSIS

**Site and Vicinity:** The site is developed with a church at the northwest corner of N Fiske Ave and N Drew St, a parking area for the church at the northeast corner of N Fiske Ave and N Drew St across N Fiske Ave, and a house structure in the area north of the church facing N Fiske Ave. The area where the house structure is located was added to the church site in 2006 through a Conditional Use review, which approved the use of the house structure as a conference and youth center (LU 19-163474 CU AD – described in more detail below under **Land Use History**). The presence of the church in this residential area is longstanding, as Multnomah County Tax Assessor records indicate that it was built in 1890. Development in the vicinity of the church is predominately single-family dwellings on mostly 5,000 square foot lots interspersed with lots as small as 2,500 square feet.

**Zoning:** R5 Single-dwelling Residential 5,000 – The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a maximum density of 1 lot per 5,000 square feet of site area.

**Land Use History:** City records indicate the following prior land use reviews for this site:

**LU 06-163474 CU** - Approval of a Conditional Use Review to allow a 5,000 square-foot expansion of the site for an existing religious institution in a residential zone and, also, the introduction of a Community Service Use on the site, in order to allow the proposed religious and nonprofit community programs at St. Paul's Conference and Youth Center, 8213 North Fiske Avenue. Approval of an Adjustment to Title 33, Section

33.110.245 to reduce the required setbacks for institutional development for the former residence, from 15 feet from the lot line that abuts North Fiske Avenue to 9 feet, 3.5 inches and to reduce the setback from the west property line from 10 feet to 7 feet for the shed. Approval of an Adjustment to Title 32, Portland Sign Code, Section 32.32.020 to allow both the existing and the proposed freestanding signs, in addition to the previously approved projecting sign. **This review added the same 5,000 square foot area and house structure to the Conditional Use site that is proposed in this review to be removed from the site boundary.**

**LU 19-124307 AD** - Three adjustments to 33.110.245 and Table 110-5, Institutional Development Standards, including reducing minimum building setbacks to less than 1' back for every 2' of building height; reducing buffering from abutting residential zone (15' to L3 Standard); and reducing minimum landscaped area (25% of site area to the L1 Standard). **These Adjustments were reviewed and approved based on a future site boundary that did not include the 5,000 square foot area with the house structure that is proposed in this review to be removed from the site. These Adjustments will continue to apply with the new site boundary approved in this review.**

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 27, 2020**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Police Bureau (Exhibit E.5);
- Site Development Section of BDS (Exhibit E.6); and
- Life Safety Section of BDS (Exhibit E.7).

The Bureau of Environmental Services responded with comments and no objection to approval: Please see Exhibit E.1 for additional details.

The Bureau of Transportation responded with comments and no objection to approval: Please see Exhibit E.2 for additional details.

**Neighborhood Review:** One written responses was received in support of the proposal from the owner of the subject property (Exhibit F.1).

## ZONING CODE APPROVAL CRITERIA

### **33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones**

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

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

**Findings:** The proposal is to remove from the conditional use site boundary the area where the house structure at 8213 N Fiske Ave is located north of the church building. This house structure was used in the past as a conference and youth center for the church. Removal of the house structure and associated area, and discontinuance of the conference and youth center use, will allow this property to revert to residential use, thereby reducing the proportion of non-Household Living uses in the residential area and reduce the intensity and scale of the church use. This criterion is met.

**B. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and
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:** There are no City-designated scenic resources on the site, so that criterion is not applicable.

Multnomah County Tax Assessor records indicate that the St. Paul Baptist Church building has been at this location at least since 1890, making it a longstanding institution in the residential neighborhood. The 5,000 square foot lot with the house structure was added to the church conditional use site boundary in 2006 with the approval of LU 06-163474 CU. Prior to that time the house structure was used as a single-family dwelling. No physical changes are proposed to the church building. The removal of the 5,000 square foot lot with the existing house structure at 8213 N Fiske from the conditional use site boundary will not alter the physical relationship between the church and the residential properties north of the site.

Because the church is an institutional use in a single-dwelling residential zone, development on the site is subject to the institutional development in Zoning Code Section 33.110.245 and Table 110-5. These standards are intended to maintain physical compatibility between adjacent residential developments and the church, and to mitigate differences in appearance or scale through setbacks, screening, landscaping, tree preservation and other design features.

Three Adjustments to the standards in Zoning Code Section 33.110.245 and Table 110-5 were approved in City case file LU 19-224307AD. These Adjustments were based on application of the standards as if the site boundary was the same as is proposed in this review. These include Adjustments to the requirement that the church building be set back at least 1' back for every 2' of building height, that a 15' wide landscape buffer be provided from the new north site boundary, and that a minimum of 25% of the church site be landscaped. As a condition of approval of these Adjustments, the applicant was required to provide a 6' high privacy fence and landscaping, including trees and high shrubs, along the new north property line, and to plant new trees and low shrubs between the church building and N Fiske Ave. The fence and landscaping were installed on the site through a Zoning Permit (ZP 20-106859). The addition of this fence and landscaping mitigate differences in appearance and scale between the church and the residential area along the new north site boundary. This criterion is met.

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

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

**Findings:** The proposal is to remove the 5,000 square foot lot at 8213 N Fiske Ave on which the existing house structure is located from the conditional use site boundary.

The proposal will result in an overall reduction in the impacts from the church, as no new activities that would generate additional noise, late-night operations, odors or litter are proposed at the church and the house structure will no longer be used as a conference and youth center. No new lighting is proposed. As noted in the findings under Criterion A, above, a 6' high site obscuring fence was built, and trees and shrubs were planted along the lot line between the church and the house structure at 8213 N Fiske Ave. This fence and landscaping will provide privacy for new residential uses that may locate north of the new church site boundary. This criterion 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) has provided the following comments and recommendation to address these criteria:

*Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.*

*The subject site consists of three main elements. These are the church building, the church parking lot, and 8213 N Fiske Ave, which was added to the conditional use boundary in 2006 via case 06-163474-LU. In 2007, building permit 07-136648-CO was issued to convert the structure from a house to, "B Occupancy Meeting Building for Church." Prior to that time, the property at 8213 N Fiske Ave. had been used as a house since the construction of the structure in 1912. This application seeks a return to the situation which predated the 2006 conditional use review so the structure at 8213 N Fiske Ave. can once again operate as a house separate from the church. The boundary reduction would result in 8213 N. Fiske Ave. being developable under the base zone allowances. The R5 base zone would allow the site to be used for single dwelling development.*

*The subject site has frontage on N. Fiske Ave. and N. Drew St. At this location, the Transportation System Plan (TSP) classifies N Fiske Ave. as a City*

*Bikeway and Local Service for all other modes and classifies N. Drew St. as local service for all modes. Both streets are paved with curbs and existing sidewalks. Neither sidewalk is built to full City standards, but both are currently useable paved surfaces separated from the curb by a landscaping strip. The location is within a neighborhood where connectivity meets City standards; all nearby streets are paved and accepted by the City for maintenance. While many of the area sidewalk corridors are not to full City standard, sidewalks do exist on all block faces within the area, most of which are separated from the curb by a landscaping strip. The presence of a complete sidewalk network makes accessing transit relatively easy. Transit is available at the end of the subject block at N. Willis Blvd. where Tri-Met Service Route 35 operates 7-days a week with weekday peak hour service headwinds of less than 20 minutes. Tri-Met Service Route 75 provides frequent service bus transit which operates at intervals of 20 minutes or less 7 days a week on N. Lombard St, approximately 1,000 feet southwest of the site.*

*Since all of the roadways in the area are paved, they all have the potential to serve as bicycle access. In addition to the interconnected grid of low speed, low traffic local service streets, there are multiple designated bicycle routes through the neighborhood. These include N. Fiske Ave. which has a signalized crossing of N. Lombard St., N. Willis Blvd, and N. Kilpatrick St/N. Halleck St.*

*The area is well served by roads, sidewalks, and transit. Returning the property to the base zone and allowing development consistent with the R5 base zone designation is not anticipated to have any negative effect on the transportation network.*

*The property at 8213 N. Fiske Ave. currently has no onsite vehicle parking. Page 2 of the hearing officer decision in case 06-163474-CU states the church's parking lot has, "23 regular parking spaces and one accessible space." The church's parking lot remains unchanged since this 2006 decision. The hearing officer in that case found the existing parking lot was adequate to serve both the church and the expanded offerings that would be allowable through the inclusion of 8213 N Fiske Ave. in the church's boundary. Since the existing parking lot is adequate to serve both the church building and church activities at 8213 N. Fiske Ave, it is logical to conclude the parking lot is adequate to serve a reduction to only the church building. Reducing the church's boundary is anticipated to result in a small reduction in the demand for parking. Since no on-site parking is being removed, PBOT does not anticipate the removal of the structure at 8213 N. Fiske Ave. from the church's boundary will have any negative impact on the on-street parking supply.*

*For the reasons described above, PBOT staff does not believe the boundary reduction will result in any impacts to the transportation system. As such, no mitigation is required. Any future residential development in compliance with the base zone will be evaluated at the time of permit to determine if street or sidewalk improvements are needed.*

*PBOT has no objection to the requested conditional use boundary reduction. PBOT has no recommended conditions of approval.*

Based on the above response and recommendation from PBOT, 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), Police Bureau (Exhibit E.5), and Fire Bureau (Exhibit E.4) have responded with no concerns, indicating they have capacity to provide water, police, and fire protection services. The Bureau of Environmental Services provided the following response indicating that sanitary and stormwater systems are acceptable (Exhibit E.1):

*BES has no issues related to the public services approval criterion for stormwater and sanitary service. Based on this proposal, no changes are proposed to the existing building that would trigger BES stormwater requirements. Additionally, sanitary sewer service is available via the Combined Sewer in N Fiske Ave within the site's frontage; therefore, BES does not object to the request for conditional use approval of the removing the subject lot from the Conditional Use site boundary.*

This criterion is met.

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

**Findings:** The site is within the Portsmouth Community Plan, which was adopted in 2002. The proposal is consistent with the following policy from this plan:

*Policy 8: Housing*

*Strengthen the residential base of the Portsmouth neighborhood by preserving viable existing housing and constructing new housing which is responsive to the needs of present and future generations of households. As property values rise, ensure that there continues to be affordable housing in the neighborhood.*

The proposal will remove a 5,000 square foot area from the approved church site. As this area is residentially zoned, removal of the 5,000 square foot area will allow the existing house structure located on the area to be used housing, which is supportive of Policy 8.

Also, page 25 of the Portsmouth Community Plan includes, as an example of a church in a residential zone, a picture of St. Paul Baptist Church and the house structure that is proposed to be removed from the Conditional Use site. The house structure and the lot on which it is located were added to the Conditional Use site in 2006 through LU 06-163474 CU, after the adoption of the Portsmouth Community Plan. Removing the lot and house structure from the Conditional Use site will allow use of the structure as a single dwelling residence, as was the case when the Portsmouth Community Plan was adopted.

This criterion 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 and notifying of the public hearing was mailed to property owners and tenants within 400 feet

of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be 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. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, 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 Goal 3 and Goal 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, is not within a Historic or Conservation District, and is not designated as an Historic Landmark. Compliance with all requirements related to this designation will be verified during required building permit review and inspection. Therefore, the proposal is consistent with Goal 5.

### **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 Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Staff finds 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. Staff finds 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, or by the parks and recreation system development charges that are assessed at time of building permit. 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. The site in question was first developed as a church in 1890. The lot being removed from the church site was developed with a house until 2006, when the church began to operate a Community Service Use in the structure. Removal of the lot from the church Conditional Use site boundary will allow the lot to again be used for housing. To the extent that Goal 10 is applicable, this proposal, which will increase land available for housing, 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. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report. Since the City will require the proposal to conform to the City's public facilities plan, 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 extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found that, with the previously-discussed conditions of approval, the proposal is consistent with the street designations of the TSP, and also that the transportation system is capable of supporting the proposed limited use in addition to the existing uses in the area. 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 will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

**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 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 the 5,000 square foot lot from the St. Paul Baptist Church conditional use site boundary will reduce the intensity and scale of non-Household Living uses in this residential area. The addition of a fence and landscaping as required by the previous Adjustment approval LU 19-124307 AD creates physical compatibility between the church and residential areas by providing screening and buffering along the new north site boundary. The new fencing and landscaping also provides privacy to residences opposite this new site boundary. No new activities are proposed at the church that would create additional noise, late night activities, odors, or litter at the site. The removal of the house structure from the conditional use boundary, which was used in the past as a conference and youth center, will result in reduced noise, late night activities, odors and litter related to activities that occurred there. The respective City Agencies responsible for providing transportation, water, police, fire, sanitary and stormwater drainage services indicate that these services will continue to be available to the church after the 5,000 square foot area is removed from the church boundary. The proposal will allow the 5,000 square foot lot to be used to provide housing, which is consistent with the adopted Portsmouth Community Plan. The proposal is consistent with the Oregon Statewide Planning Goals.

## ADMINISTRATIVE DECISION

Approval of a Conditional Use review for the removal of a 5,000 square foot area from the Conditional Use site boundary for St. Paul's Baptist Church, per the approved site plan, Exhibit C.1, and 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 Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 20-112687 CU. No field changes allowed."

**Staff Planner: Rodney Jennings**

**Decision rendered by:** Rodney Jennings **on April 1.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 2, 2020**

**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 31, 2020, and was determined to be complete on February 27, 2020.

*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 31, 2020.

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 26, 2020.**

**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. Appealing this decision.** This decision may be appealed, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 16, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to [BDSLUSTeamTech@portlandoregon.gov](mailto:BDSLUSTeamTech@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and Ix decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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 16, 2020 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:

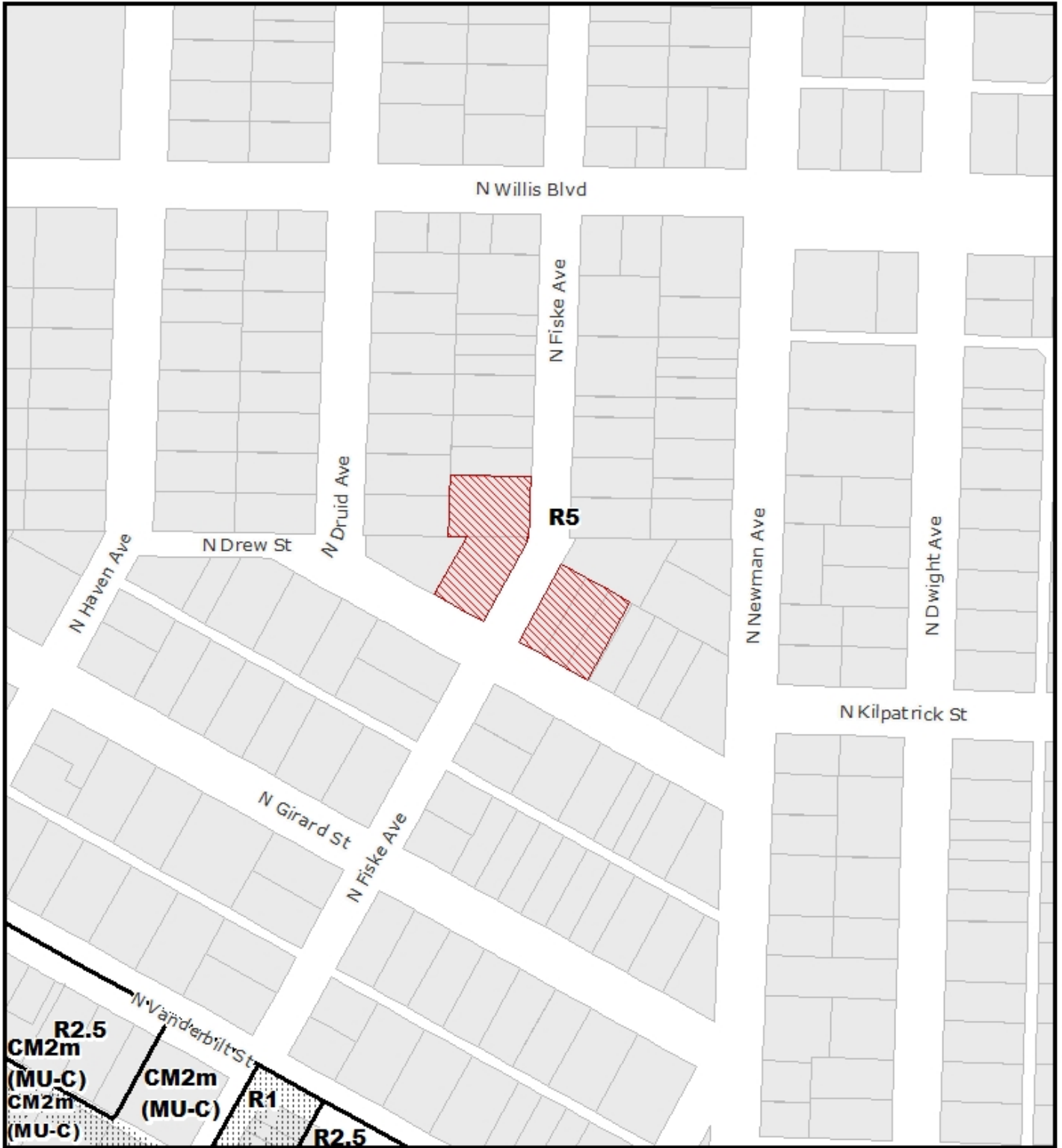
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Original Applicant's Statement and Plans (received 01/31/2020)
  - 2. Revised Applicant's Statement and Plans (received 02/18/2020)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. New Site Boundary Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. 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
- F. Correspondence:
  - 1. Craig Brown, St. Paul's Baptist Church, March 9, 2000, in support.
- G. Other:
  - 1. Original LU Application & Receipt
  - 2. Incomplete Letter

**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 20 - 112687 CU
1/4 Section	2225
Scale	1 inch = 163 feet
State ID	1N1E08CA 8200
Exhibit	B Feb 18, 2020

