



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

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**Date:** December 21, 2022  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

**CASE FILE NUMBER: LU 21-078275 CU**

**GENERAL INFORMATION**

**Applicants:** Rebecca Kerr | CIDA Architects And Engineers  
15895 SW 72nd Ave, Ste 200 | Portland, OR 97224  
  
Rod Shearer | Shearer & Associates Inc  
19300 NE 112<sup>th</sup> Ave Ste 100 | Battle Ground, WA 98604

**Owner:** Oregon Conference Education Association  
19800 SE Oatfield Rd  
Gladstone, OR 97027-2564

**Site Address:** 1500 SE 96TH AVE

**Legal Description:** TL 2500 5.19 ACRES SPLIT LEVY R332448 (R992044390), SECTION 04 1S 2E; TL 2501 0.86 ACRES SPLIT LEVY R332431 (R992044130), SECTION 04 1S 2E; TL 2502 11.59 ACRES SPLIT LEVY R643110 (R992045490), SECTION 04 1S 2E; TL 2503 1.26 ACRES SPLIT LEVY R643109 (R992045480), SECTION 04 1S 2E

**Tax Account No.:** R992044390, R992044130, R992045480, R992045490  
**State ID No.:** 1S2E04A 02500, 1S2E04A 02501, 1S2E04A 02502, 1S2E04A 02503  
**Quarter Section:** 3140 & 3240  
**Neighborhood:** Hazelwood, contact Arlene Kimura at arlene.kimura@gmail.com  
**Business District:** Gateway Area Business Association, contact at gabapdxboard@gmail.com  
**District Coalition:** East Portland Community Office, contact at info@eastportland.org  
**Plan District:** Gateway  
**Zoning:** IRd, EXd – Institutional Residential with Design Overlay Zoning; and Central Employment with Design Overlay Zoning  
**Case Type:** CU – Conditional Use Review  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

Portland Adventist Academy proposes alterations to both a parking lot under construction, and to the boundaries of its site, both of which require Conditional Use Review.

Parking

The surface parking area was previously approved through a 2014 building permit, but was only partially installed and the building permit was never finalized. The current proposal would revise that permit to remove 15 parking spaces (two in the existing lot under construction at the south end of the site, and 13 on the south and east side of the main school building) and add a new parking area east of the school building that has 36 new parking spaces and room to store 8 buses. Buses will now enter and exit the site from the eastern driveway along SE Market St.

Site Boundary Changes

The school's Conditional Use Master Plan recently expired without most of the proposed projects having been completed. The new building anticipated and approved was not built, and a building at the north end of the site in the area now zoned EXd continued to be used by the school instead of being demolished as proposed in the Master Plan. The school wishes to bring the building back into the Conditional Use site to enable its continued use by the school. That would add 47,781 square feet, or 1.1 acre, and a 13,412-square-foot classroom building back to the school site.

Also, the school wishes to separate the skilled nursing facility located on a leased part of the site on the east side of the campus from the school entirely. Removal of this part of the site results in a reduction of the school site of 135,948 square feet, or 3.12 acres, and loss of a 47,311-square-foot building and 40 parking spaces.

The Conditional Use site is currently 560,690 square feet; after these changes, the site will be 471,739 square feet. Net building area on the site will be reduced from 97,817 square feet to 63,927 square feet. Number of parking spaces will change from 208 spaces down to 189 spaces.

Concurrent Reviews

The school has applied for a Land Division Partition with Adjustments to accomplish the changes to the school site boundary (LU 22-113270 LDP AD), and a Design Review (LU 22-113665 DZ) to approve the changes to the parking lot; the use of the recreational field at the southeast corner of the site as Open Area for the skilled nursing facility (33.526.240); and a new bike shelter. The Land Division case is still pending; the Design Review has been approved.

**Relevant Approval Criteria:**

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

- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

**ANALYSIS**

**Site and Vicinity:** The subject site is an 18.886-acre area that is bounded on the south by SE Market Street, on the north by SE Main Street, and on the west and the east by SE 96<sup>th</sup> and 100<sup>th</sup> Avenues, respectively. The property is developed with both the Portland Adventist Academy high school campus, which includes the main school building and several accessory structures, a large parking area, a second small parking area, and an athletic field; and with the Marquis skilled nursing facility on the eastern portion of the site. There is another school building on the northern parcel that will remain and is part of this review.

The area around the site includes a variety of different uses. The I-205 highway and the MAX Green Line, with a stop at SE 96<sup>th</sup> and Main and associated "Park & Ride" facility, are directly

to the west of the site. South of Market Street, there is a residential area that is largely comprised of single-dwelling residences. East of the site, the Adventist Medical Center campus is located on the opposite side of SE 100<sup>th</sup> Avenue. To the north of the site, across SE Main Street, a strip of land contains another arm of the hospital campus, with parking lots and a pedestrian connection that crosses over the I-205 freeway. Even farther to the north is the Mall 205 shopping center, noted as one of the main commercial areas in the Gateway Regional Center.

**Zoning:** The Institutional Residential (IR) zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the “d” Design Review overlay zone.

The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

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

- **LU 22-113270 LDP AD:** This land division partition is currently underway to partition the subject property into three parcels and an Open Space tract, with two Adjustments to increase the vehicle area frontage limitation for the skilled nursing facility on SE 100<sup>th</sup> Ave and to reduce the setback for the recreational field from the skilled nursing facility from 50 feet to 23 feet. The Adjustments are required because the land division will separate the skilled nursing development onto a separate site (among other things). The changes to the site are in conjunction with this Conditional Use Review that changes the school site area.
- **LU 22-113665 DZ:** Design Review approval for changes to the parking lot (the same changes at issue in this review); a new bike shelter; landscape updates surrounding the existing on-site soccer field; and the designation of the existing sports field as Open Area to meet the Gateway Plan District standard 33.526.240.
- **LU 18-103623 CU MS AD:** Approval of a Conditional Use Master Plan Amendment to allow the floor area of the skilled nursing facility to exceed the 2011 approval by 6,542 square feet to accommodate a total of up to 72 beds in the facility, and to configure the Phase II addition as shown in Exhibits C.1 through C.5. Approval of an Adjustment to Zoning Code Section 33.120.220.C.1 to increase the maximum transit street setback along SE Market Street from 10 feet to 570 feet for the skilled nursing facility building.

Conditions of approval included the following: By December 30, 2021 (the expiration of the current Conditional Use Master Plan approved through LU 11-139546 CU MS AD), or before the final occupancy certificate is issued for the school building permitted under 14-172834 CO (whichever comes first), any Portland Adventist Academy school use must cease on parcels R332448 and R332431. Previous conditions of approval from LU 11-139546 CU MS AD were carried forward through this review, with the exception of Condition G, which was rendered void.

- **LU 14-205329 AD:** Adjustment approval for a sign Adjustment to allow a 28.75-square-foot freestanding sign for the Marquis Mill Park facility. The Sign Code limits signs for Group Living uses to 10 square feet.
- **LU 11-139546 CU MS AD:** Conditional Use Master Plan approval for the Portland Adventist Academy, including reducing the site size by separating the northern parcels; developing a skilled nursing facility in the northeast quadrant of the remaining site area, and rebuilding the school facilities, relocating parking, and constructing a new sports field.

Conditions of approval included an expiration date for the Master Plan after 10 years; the requirement for a Transportation Demand Management Plan prior to permit issuance; the waiver of Zoning Code Section 33.820.090.A.1 which would require a Type III review for any development within 400 feet of the master plan boundaries; and some limitations around the proposed PA system and lighting for the sports field. One condition regarding the Gateway Plan District Open Areas standard of Zoning Code Section 33.526.240 we rescinded through the 2018 review.

- Although not a land use review, a Property Line Adjustment, **PR 10-114864 PLA**, realigned the existing property lines for Portland Adventist Academy in order to allow the applicant to separate the northern parcels from the main high school campus.
- **LU 79-020361:** Multnomah County Design Review for Industrial Arts Building. Final decision not known.
- **LU 77-100073:** 1977 Multnomah County approval of Temporary Permit Renewal (no additional details given).

- **LU 75-100050:** 1975 Multnomah County approval of Temporary Permit Renewal (Trailer as Classrooms).
- **LU 70-002522 CU:** 1970 Conditional Use Review for over-height fence. Recommendation was for approval. Final decision not known.
- **LU 61-100119:** 1961 Multnomah County approval of Ten (10) Classroom Secondary School Permit.
- **LU 60-100153:** 1960 Multnomah County approval of the location of a private secondary school, accomplished by changing the zoning designation from R-7 to R-7 C-S.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 18, 2022**. The following Bureaus responded as described below:

- The Bureau of Environmental Services (BES) evaluated the approval criterion related to sanitary waste and stormwater disposal. The response is referenced in the findings for Zoning Code Section 33.815.105.D.3, below (Exhibit E.1).
- The Portland Bureau of Transportation (PBOT) evaluated the approval criteria related to the transportation system. The response is referenced in the findings for Zoning Code Section 33.815.105.D.1-2, below (Exhibit E.2).
- The Water Bureau responded with no concerns (Exhibit E.3).
- The Fire Bureau responded with no concerns (Exhibit E.4).
- The Site Development Review Section of BDS responded with no concerns (Exhibit E.5).
- The Life Safety Review Section of BDS responded with no concerns (Exhibit E.6).
- The Urban Forestry Division of Portland Parks and Recreation responded with information about street trees around the site (Exhibit E.7).
- The Police Bureau stated that police services will remain adequate for the site with the proposed changes (Exhibit E.8).

**Neighborhood Review:** No written responses were received from either the Neighborhood Association or notified residents in response to the proposal.

## PROCEDURAL HISTORY

This application was submitted on August 18, 2021. A letter warning of the expiration of the 180-day completeness period was sent on January 18, 2022. The case was deemed complete on February 11, 2022. The applicant extended the 120-day review timeline by 7 days on February 11, 2022, and by the full 245 days on April 28, 2022. A concurrent Land Division Partition with Adjustment Review (LU 22-113270 LDP AD) is pending at the time of this decision, and concurrent Design Review (LU 22-113665 DZ) was recently completed. The notice was sent out October 18, 2022. The 120-day review timeline (with the full 245-day extension) ends February 11, 2023.

## 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:

**B. Physical compatibility.**

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

**Findings:** City-designated scenic resources are protected with an “s” or Scenic Resource Overlay Zone. There are no designated scenic resources on the site. Therefore, this criterion does not apply.

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:** The proposal is limited to changes in the site area and modest changes to the parking lot already under construction. No major development is reviewed in this proposal. Future development on the parcel to the north and any additional development on the skilled nursing facility site would be subject to the base zone, Gateway Plan District, and Design overlay zoning designations. The base zone standards have setback regulations that will provide distance and separation from any single-dwelling zones nearby, though neither of these properties will directly abut or be located across the street from single-dwelling zoning.

The additional parking spaces and the exterior storage for school buses are proposed on the interior of the larger site, away from the single-dwelling residential development to the south. The proposal successfully mitigates differences in scale by the distance to residential development and by meeting the required perimeter parking lot landscaping requirements for the new parking area. The Zoning Code requires the perimeters of the lot to be planted with landscaping buffers containing rows of trees, sight-obscuring evergreen shrubs, and ground cover plants (Zoning Code Sections 33.266.130.G.2 and 33.248.020.B-C). Trees and shrubs are also required on the interior sides of the parking lot (Zoning Code Sections 33.266.130.G.3 and 33.248.020.H). As the new trees and shrubs mature, the Conditional Use site where the parking lot is under development would present an attractive, green face to the residential neighborhood. For these reasons, staff finds 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 focus of the review is the changes to the school site boundaries, and alterations to a parking lot already under construction. The school has operated on the site for decades. The removal of the skilled nursing facility portion of the site from the Conditional Use site would not, in itself, create adverse impacts related to noise, glare, late-night operations, odors, litter, privacy, or safety. Detaching land from the Conditional Use site would confine the Conditional Use to a smaller area, and any future development for the areas to be detached would be subject to zoning and other regulations at that time. Adding the school building located on the EXd-zoned portion of the site likewise will not have impacts on nearby residential areas. The closest houses are 700 feet or more to the south of the existing building being brought back into the school site.

No major development is proposed at this time. No changes to operations are proposed that will alter the existing development in terms of noise, glare, late-night operations, odors, or litter. No development is proposed that would move operations closer to the single-dwelling residences to

the south or cause any new privacy concerns for those residents. Both the Fire Bureau and the Police Bureau weighed in on the proposal and neither mentioned any safety concerns for the proposal or site (Exhibits E.4 and E.8, respectively).

For the reasons stated above, staff finds 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:** PBOT reviewed the proposal and submitted the following response (Exhibit E.2):

*To support the transportation-related approval criteria, the applicant submitted written findings addressing the proposed use, as well as a traffic and parking study professionally prepared by Mackenzie to support the required Type III land use review for the proposed parking lot expansion, property line adjustment, and land division for the applicant, revised October 6, 2021. The Portland Bureau of Transportation (PBOT) Development Review has reviewed the submitted documents and agrees with the methodologies, analyses, and conclusions to confirm that the transportation-related approval criteria are satisfied.*

*Trip Generation and Distribution: The applicant's traffic engineer provided estimated Trip generation estimates utilizing the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10<sup>th</sup> Edition. Trip estimates for the high school were reviewed using data for both ITE's "High School" Land Use Code (LUC) 530 and "Private School (K-12)" (LUC 536) land uses. Table 2 in the provided traffic study shows that "High Schools" generate 151 AM peak hour trips, for approximately 589 daily trips; whereas Private Schools (K-12)" generate 232 AM peak hour trips, for approximately 719 daily trips. Due to the school retaining current operations and no changes to the buildings are proposed, enrollment is anticipated to remain the same, thus will not generate additional trips with the proposed changes. Therefore, as provided in the record, the applicant has demonstrated that the expected trips of the proposed use will not change and thus will not impact the distribution of local traffic throughout the area.*

*Street Capacity/Level of Service: The applicant's traffic engineer provided the following information on the surrounding intersections. Per historical turning movement counts*

conducted in 2017, the PM peak hour at the SE Market Street/ SE 96<sup>th</sup> Ave intersection occurs at 4:40 PM, with the peak 15-minute period beginning at 5:05 PM. Observations at this intersection were made between 5:05 and 5:20 PM on Thursday, June 3, 2021. The longest queues observed on SE Market Street was two vehicles on both the westbound and eastbound approaches. The typical delay was only a few seconds, with a maximum delay of less than 10 seconds. No queues were observed for the northbound left-turn lane on SE 96<sup>th</sup> Avenue. The northbound shared through/right turn lane was observed to have a maximum queue of three vehicles with a maximum delay of less than 15 seconds. No queues were observed in the southbound left-turn lane. The southbound shared through/right-turn lane was observed to have queues that were typically between 5 and 7 vehicles, with an observed delay of up to 30 seconds for the last vehicle in the queue to travel through the intersection. These vehicles generally arrived together approximately every 50 seconds. Therefore, based on the trip generation data provided in the record, the existing intersections are able to manage the nominal increase in traffic and will not negatively affect City of Portland's operational standards.

Safety for All Modes: For vehicle safety, the applicant's traffic engineer utilized Oregon Department of Transportation's (ODOT) Crash Data System over a five-year period from January 2015 and December 2019. Based on the review of historical crash data and field observations at the intersections, the applicant's traffic engineer concluded that no deficiencies with the geometry or sight distance. However, most of the stop bars are faded and the westbound stop sign is currently placed on a utility pole that may have poor visibility when adjacent foliage is overgrown. We are recommending the restoration of the stop bars on all approaches and movement of the westbound stop sign from the utility pole to a metal post closer to the edge of travel way and stop bar to enhance visibility of the stop control to westbound drivers. For bicycles and pedestrians, improvements are planned for the area which will provide safer walking and biking connections via low stress, Neighborhood Greenways and separated pedestrian corridors which is also consistent with the Gateway Plan District's goals. The Portland Adventist Academy will contribute to this plan by providing an additional two feet of right-of-way (ROW) for sidewalk improvements along SE Market Street. Therefore, the surrounding street are low-volume roadways provides a safe and comfortable traveling environment for bicyclists; and the current and required improvements to the sidewalk will provide a safe environment for students and faculty to walk, bike, and safely access transit stops and other destinations in the area.

Pedestrian, Cycling, and Transit Availability: For transit service, there is a TriMet Park & Ride site located directly opposite of the school on the west side SE 96<sup>th</sup> Avenue. The Park & Ride offers connections to the MAX Green and Red Line and TriMet Bus line 15. There is also a bus stop for Line 15 at the northwest and southeast corners of the SE 96<sup>th</sup> Avenue/ SE Main Street intersection. There are no transit impacts anticipated with the proposed use. For bicycles and pedestrians, the site is located within the Gateway Pedestrian and Bicycle District. The I-205 Multi Use Path is located approximately 600 feet west of SE 96<sup>th</sup> Avenue. A connection to and from SE Market Street to the neighborhood greenways west of SE Market Street and the transit center is provided via a dedicated pedestrian and bicycle overpass at SE Main Street. At this location, both SE 96<sup>th</sup> Avenue and SE Market Street are designated City Walkways, whereas SE Main Street and SE 100<sup>th</sup> Avenue are designated Neighborhood Walkways per the City's Transportation System Plan (TSP). SE Market Street is designated a Major City Bikeway, with SE 100<sup>th</sup> Avenue is designated a Local Service Bikeway. The site is located within the BikeTown system area. The applicant will be providing new, additional bicycle parking for the school site north of the proposed surface parking area located east of the school building. This is consistent with the City of Portland's TSP goals of densification of the Gateway Plan District and promoting multi-modal transportation facilities.

Connectivity: The subject site is located in the Hazelwood neighborhood of SE Portland and is in one of Portland's pedestrian and bicycle districts. The neighborhood is well connected for vehicles. Pedestrian and bicyclist facilities exist and provide connections to transit via the gateway transit center. Therefore, the property is adequately accessed by all modes.



Access Restrictions: The site's accesses are located along SE 96<sup>th</sup> Avenue and SE Market Street. Access restrictions are typically imposed on arterials, which are any streets not designated Local Service Traffic Street. Both SE 96<sup>th</sup> Avenue and SE Market Street are designated Collector Streets. No access restrictions are currently identified in the Gateway Plan District for either roadway.

On-Street Parking Impacts: The site currently has 177 on-site parking spaces in three parking lots. Following the proposed improvements, the site will have a net increase of 12 parking spaces to 189 spaces. The applicant's traffic engineer evaluated the anticipated parking demand for the school and soccer complex. Even though peak parking demand can be handled by the proposed 189 on-site spaces, a review of available on street parking was prepared in order to address the approval criteria. While there is existing on-street parking capacity along the north and south-sides of SE Market Street, these parking spaces will be eliminated with the future capital improvement project providing bike lanes on SE Market Street. Along SE 100<sup>th</sup> Avenue, there is approximately 500 feet of on-street parking to the edge of the skilled nursing facility driveway and 430 feet of on-street parking on the opposite side of the street. The site's SE 100<sup>th</sup> Avenue frontage can accommodate up to 42 on-street parking spaces, assuming 22-foot-long parking spaces. On September 17, 2021, a school faculty member recorded video every half-hour along SE Market Street and SE 100<sup>th</sup> Avenue from 4:00 PM to 8:00 PM. Review of the footage showed that the peak on-street parking demand along SE Market Street and SE 100<sup>th</sup> Avenue was four (4) and five (5) vehicles, respectively. Assuming that all vehicles on SE Market Street park on SE 100<sup>th</sup> Avenue after the bike lanes are installed, there would be an additional 33 spaces available for the school to utilize if demand happens to exceed the school's parking supply. Therefore, the proposed use is not found to have a detrimental impact to the current or future on-street parking demand.

Neighborhood Impacts: The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented by the applicant's analysis, the school's operations and enrollment are not proposed to change, thus is not anticipated to have any abrupt change to the current impact to the neighborhood. Most, if not all traffic will be accommodated on-site and will have a limited impact to the surrounding neighborhood. Therefore, transportation-related impacts of the proposal will be negligible.

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

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), indicating that water service and fire protection services would be adequate. The Police Bureau reviewed the proposal and responded that police services are adequate for the proposed use (Exhibit E.8).

BES reviewed City records and the provided utility plan to ensure the applicant's proposed sanitary sewer service is acceptable for the purpose of reviewing the conditional use against this criterion. BES notes that, as a result of the associated Land Division Partition, the existing sanitary sewer line for the North Classroom Building on the northern parcel will no longer be located within the frontage of the lot that it serves. The applicant proposes to cap this lateral and reconfigure the sanitary service on property to connect to the existing sanitary line serving the main school building on Parcel 3. BES states, "This proposal is acceptable to BES and satisfies the sanitary waste disposal approval criterion of this land use review" (Exhibit E.1). BES notes that these changes to this sanitary connection, and a private sanitary easement over

proposed Tract A for continued sewer service from SE 100<sup>th</sup> Ave for the benefit of the existing school buildings on Parcel 3, must be completed prior to Final Plat approval of the Land Division.

For the stormwater system, BES notes, “As a result of the concurrent Land Division application, the existing stormwater management system of the driveway north of the skilled nursing facility, will be shared between Parcels 1, 2, & 3. The applicant proposes to leave the system as is, apply for a plumbing code appeal, and place easements as needed over the system. This proposal is acceptable to BES and satisfies the stormwater management approval criterion of this land use review” (Exhibit E.1).

Because so many of the utility corrections and changes are taking place as part of the Land Division and subsequent Final Plat process, and because Conditional Use sites follow lot lines, staff sees the need for a condition of approval that states the approval of the changes to the site area takes effect after the Land Division and Final Plat have both been completed. For the reasons stated above, and with this condition of approval, staff finds criterion D 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:** This site is within the boundaries of the Outer Southeast Community Plan and the Hazelwood Neighborhood Plan.

#### *Outer Southeast Community Plan*

The site is within the Gateway Regional Center area, described in the Outer Southeast Community Plan as “a major employment center with good access by mass transit. High-density housing and more intense commercial uses including office buildings are encouraged in the area. The application of the Institutional Campus designation provides certainty that Portland Adventist Medical Center, outer southeast’s largest employer, can grow.” Objectives include creating a sidewalk environment which is safe, convenient, and attractive.

The Economic Development Policy of the Outer Southeast Community Plan further includes the following objectives:

- Promote the reuse and redevelopment of vacant, underused, or dilapidated commercial sites on arterials along both sides of I-205.
- Provide certainty for medical and educational institutions, encouraging them to grow and foster related businesses nearby.

#### *Hazelwood Community Plan*

- *Policy 2. Economic Development, Objective 3:* Assure that commercial and business centers are constructed and reconstructed to be pedestrian-friendly environments.
- *Policy 6. Community Design and Livability.* Maintain Hazelwood as an affordable, attractive neighborhood, which provides a friendly, safe, and pleasing community for everyone.

The proposal is supportive of the goals for the Gateway Regional Center and the objectives listed above. The skilled nursing facility in close proximity to Adventist Medical Center both increases the intensity of use on the overall site and builds on the medical center functions to support a related business. The reconfiguring of the school site to include a previously separated building supports the continuity of this educational institution. Allowing a reconfiguration of bus drop-off and storage while supporting changes to the parking supports the school to best serve its students. The northern EX-zoned parcel will also have fewer

development challenges with the North Classroom Building no longer located on the site, which will encourage its redevelopment at this critical intersection adjacent to light rail. Finally, the school will dedicate 2 feet of right-of-way along SE Market St in association with the parking lot permit, which will contribute to a safe and attractive sidewalk corridor and friendly pedestrian environment.

For these reasons, staff finds this criterion is met.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The proposal would not cause significant, adverse livability impacts on the neighboring residential area, and the transportation system and other public services are adequate to support the proposal. Staff finds that each of the applicable approval criteria are met or can be met with conditions of approval. Therefore, staff recommends approval of the proposal with the conditions of approval listed below.

## **ADMINISTRATIVE DECISION**

Conditional Use Approval of changes to Portland Adventist Academy's Conditional Use site, including separating the skilled nursing facility onto its own site and bringing back into the Conditional Use site northernmost building. Approval also includes changes to the number of parking spaces on the Conditional Use site: an overall reduction from 208 spaces to 189 spaces, which includes 36 new spaces and storage area for 8 buses east of the main school building. Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated December 19, 2022, subject to the following conditions:

- A. As part of the parking lot permit revision submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 21-078275 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The site boundary changes approved through this Conditional Use Review shall not take effect until the lot lines illustrated in Exhibit C-1 reflecting changes to the Conditional Use site are legally established. These lot lines will be legally established when the associated Land Division Partition currently under review for the site (LU 22-113270 LDP AD) and subsequent Final Plat (which will be LU 22-113270 FP) are approved by the City of Portland and recorded with Multnomah County. The approval of the alterations to the parking lot on the school Conditional Use site will take effect once the decision is final.
- C. For both Parcel 2 and Parcel 1 as identified by Exhibit C.1, Portland Adventist Academy's rights to use the land shall be considered extinguished once the land is removed from the Conditional Use site as described in Condition B. Future uses on each of these parcels will be limited to those listed as permitted or conditional uses by the base zone, overlay zone, and plan district.

**Staff Planner: Amanda Rhoads**

Decision rendered by:  on December 19, 2022  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 21, 2022**

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

**Procedural Information.** The application for this land use review was submitted on August 18, 2021, and was determined to be complete on February 11, 2022.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 18, 2021.

*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 waived the 120-day review period, as stated with Exhibits A.11 and A.15. Unless further extended by the applicant, **the 120 days will expire on: February 11, 2023.**

**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, 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 January 4, 2023. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@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 Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 **January 4, 2023** by the Bureau of Development Services.

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

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

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

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

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

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

**EXHIBITS**  
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Narrative (superseded by A.12)
  - 2. Stormwater Report
  - 3. Transportation Impact Study (superseded by A.8)
  - 4. Original Plan Set (superseded by A.14)
  - 5. Response to Incomplete Letter, dated November 5, 2021
  - 6. Updated Plans, November 9, 2021 (superseded by A.14)
  - 7. Updated Narrative, November 9, 2021 (superseded by A.12)
  - 8. Updated Transportation Impact Study
  - 9. Tree Credit Worksheet
  - 10. Special Circumstances Application Form
  - 11. 7-Day Timeline Extension, February 11, 2022
  - 12. Updated Narrative
  - 13. Applicant Memo, February 11, 2022
  - 14. Updated Plan Set
  - 15. 245-Day Extension, April 28, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site plan showing proposed parcels (attached)
  - 2. Site plan showing proposed development (attached)
  - 3. Landscape Plan
  - 4. Enlarged Parking Plan
- 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. Site Development Review Section of BDS
  - 6. Life Safety Plans Examiner of BDS
  - 7. Urban Forestry Division of Parks and Recreation
  - 8. Police Bureau
- F. Correspondence: none received
- G. Other:
  - 1. Original Land Use Application
  - 2. Incomplete Letter, September 17, 2021
  - 3. Planner Memo, December 10, 2021
  - 4. 180-Day Warning Letter, January 18, 2022

**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).**