



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
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Phone: (503) 823-7300  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**NOTICE OF A PUBLIC HEARING BEFORE  
THE CITY COUNCIL ON AN APPEAL OF A DECISION BY  
THE CITY OF PORTLAND LAND USE HEARINGS OFFICER**

**CASE FILE:** LU 15-273480 CU AD (New Meadows)  
**WHEN:** September 14, 2016 at 2:45 PM  
**WHERE:** COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

**Date:** August 1, 2016  
**To:** Interested Person  
**From:** Kathleen Stokes, 503-823-7843  
Bureau of Development Services, Land Use Services

A public hearing will be held to consider an appeal of the Hearings Officer's decision to approve a Conditional Use Review and an Adjustment Review for use and development in the R5 zone of the New Meadows group living facility, which is proposed to provide housing and services for youth who are transitioning from foster care to independent adult living.

The Hearings Officer's decision of approval with conditions has been appealed by The Portsmouth Neighborhood Association. At the hearing, City Council will consider the appeal. You are invited to testify at the hearing.

This will be an On-the-Record hearing, one in which new evidence cannot be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

**GENERAL INFORMATION:**

**File No.:** LU 15-273480 CU AD (HO 4160002)

**Appellant:** Portsmouth Neighborhood Association  
Mary Wheeler, Chair  
2209 N. Schofield Street  
Portland, OR 97217

**Applicant:** Bridge Meadows  
Derenda Schubert, Executive Director  
8502 N Wayland Ave  
Portland, OR 97203

**Representative:** Caitlin McKee, Project Designer  
Carleton Hart Architecture  
830 SW 10<sup>th</sup> Ave  
Portland, OR 97205

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:**  
Kathleen Stokes (formerly, Sheila Frugoli, now retired)

**Site Address:** 8710 N DANA AVE

**Legal Description:** BLOCK 174 LOT 25-30 DEPT OF REVENUE, UNIVERSITY PK

**Tax Account No.:** R851335910

**State ID No.:** 1N1E08AC 03900

**Quarter Section:** 2126

**Neighborhood:** Portsmouth, contact Tatiana Xenelis-Mendoza at 503-756-2559.

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

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

**Case Type:** CU AD – Conditional Use Review and Adjustment Review

**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**BDS Staff Recommendation to the Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 9:00 a.m. on June 20, 2016, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 11:56 a.m. The record was held open until 4:00 p.m. on June 27, 2016, for new written evidence, and until 4:00 p.m. on July 1, 2016 for the Applicant’s final argument. The record closed at 4:01 p.m. on July 1, 2016.

**Testified at the Hearing:**

Sheila Frugoli  
Elaine Albrich  
Sean Suib  
Renee Moseley  
Corey Morris  
Kevin George  
Karl Dinkelspiel  
Shawn Postera  
Akemi Ishikawa  
Joy Corcoran  
Sam Whitmore  
Brianna Robbins  
Alsion McManus  
Matthew Honeggar  
Josh Arnold  
Matthew Denton  
Matthew Churchley

**Proposal:** The applicant is requesting **Conditional Use Review** approval for a proposed new housing facility for approximately 14 young people (ages 17-24) who are transitioning from foster care to adulthood. Four of the rooms will be available for a parent and one child and there will be a Residential Assistant living on-site. The proposed New Meadows facility will house a maximum of 19 individuals (including children) and will provide housing as well as mentorship, counseling, workforce development, educational support and life skills training. The residents will have guidance from a full-time master level counselor and be involved with the neighboring Bridge Meadows community. Five parking spaces will be provided at the rear (north side) of the building. The facility is classified as a Group Living Use (with shared

services and a communal cooking/dining area) and therefore requires a Conditional Use Review.

The applicant is requesting an **Adjustment** to reduce the required spacing between other nearby Group Living Uses from 600 to 185 feet (where the Bridge Meadows project, which includes a mix of Household Living and Group Living Uses, is located).

**Relevant Approval Criteria:**

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

- 33.815.105 – Conditional Use, Institutional and Other Uses in R Zones
- 33.805.040.A-F—Adjustment Review

**REVIEW BODY DECISION**

Approval of a Conditional Use Review for a Group Living Use for young adults (ages 17-24) transitioning from foster care. The facility will house up to 19 individuals, that includes a Residential Assistant and children, and provides mentoring, counseling and other life skills training for the young adults; and

Approval of an Adjustment to reduce the distance between an existing Group Living Use and the proposed facility from 600 to 185 feet (33.239.030.B), subject to the following conditions:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must be in substantial conformance with the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-273480 CU AD."
- B. An architectural (split-faced) masonry wall must be constructed along the north property line. The wall must be at least 6-feet tall along the entire length except the first five feet from the west property line. To provide adequate sight-distance at the driveway, the wall in the 5 foot length from the west property line may be no taller than 3.5 feet. This wall is in addition to the required L3, high screen landscaping, as shown in Exhibit C.2.
- C. A 6 foot-tall fully sight-obscuring wood fence must be installed along the east property line, from the north property line to the edge of the interior walkway, for a distance of approximately 45 feet, to screen the accessory buildings and pavilion/patio area. This fence is required in addition to the proposed landscaping along this property line, as shown in Exhibit C.2.
- D. The Group Living facility must establish and enforce "house rules" that include the following requirements:
  - 1. Residents must sign an agreement that they will abide by the rules.
  - 2. Quiet hours must begin at 9 PM and not end until 6 AM.
  - 3. Residents and acquaintances must not loiter at or near the facility.
  - 4. No littering is allowed at the facility and residents will be responsible for outdoor clean-up.
- E. Prior to obtaining final occupancy approval from the Bureau of Development Services for the construction of the Group Living facility, the applicant must develop with the Portsmouth Neighborhood Association and representatives of Bridge Meadows a Good Neighbor Agreement (GNA) or must document that the New Meadows and Bridge Meadows

representatives met in good faith with the neighborhood association for the purpose of reaching agreement on a GNA. If a GNA is signed by the required three parties, the GNA must be submitted to the Bureau of Development Services within 30 days of execution.

F. Safety and crime prevention measures must be implemented as identified in Exhibit A.4.

Gregory J. Frank, Hearings Officer

<b>Application Determined Complete:</b>	February 17, 2016
<b>Report to Hearings Officer:</b>	June 10, 2016
<b>Decision Mailed:</b>	July 14, 2016

### **APPEAL**

The Hearings Officer's decision of approval with conditions has been appealed by the Portsmouth Neighborhood Association. The following is a summary of the appellant's statement (a complete copy of the statement is also attached). The appeal of the Hearings Officer's decision is based on the following arguments:

1. The proposal does not meet the approval criterion 33.815.105 A.1. because the proposal will significantly conflict with the appearance and function of the residential area by placing another group living use in close proximity to an existing group living use.
2. The decision of the Hearings Officer is inconsistent in defining the impact area, referring to it variously as 400 feet and 600 feet in two different places in the decision.
3. The Hearings Officer erred procedurally in addressing approval criterion 33.815.105. A.2. by the comparison of the proposed group living use to the potential residential development of the site with single-dwelling residences. The appellant states that this is not a valid comparison of the impacts of the intensity of the proposed use on nearby homes.
4. The proposal does not meet approval criterion 33.815.105.B.2. because the proposed development is not compatible with adjacent residential developments based on site size, building scale, and setbacks.
5. The proposal does not meet approval criterion 33.815.105.B.3. because it does not mitigate differences in appearance and scale, particularly in regard to the location of the parking lot.
6. Appellant states that approval criterion 33.815.105.C.1. has not been met because potential impacts on livability have not been adequately addressed and that the prospect of resolving these potential impacts through a future, "good faith," attempt at a Good Neighbor Agreement (GNA) is, "unsatisfactorily vague." The Appellant also challenges some of the house rules of Condition of Approval D particularly the range of the required "quiet hours."
7. Appellant takes issue with the reliance on an analysis of transportation impacts that was done by a traffic consultant who was hired by the Applicant and the hired consultant did not include a study over multiple days for comparison. The Appellant further indicates that PBOT should have done an independent analysis of the relevant factors, rather than relying on the consultant's information.

8. Appellant states that approval criteria 33.805.040 A., B. and E. have not been met because,
- “The purpose of the regulation to distance Group-Living Uses from one another by a minimum of 600 feet is to avoid saturation or concentration of Group-Living Uses in residential Household Use areas.” The same company is congregating two facilities within the prescribed area, thereby unduly affecting the neighborhood.
  - The proposal will negatively impact the appearance and livability of the residential area.
  - Appropriate mitigation measures have not been employed, in particular, as to the location of the parking lot or the breaking down of the proposed building into smaller elements that would better fit the appearance of the neighborhood.

**Review of the case file:** The Hearings Officer’s decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

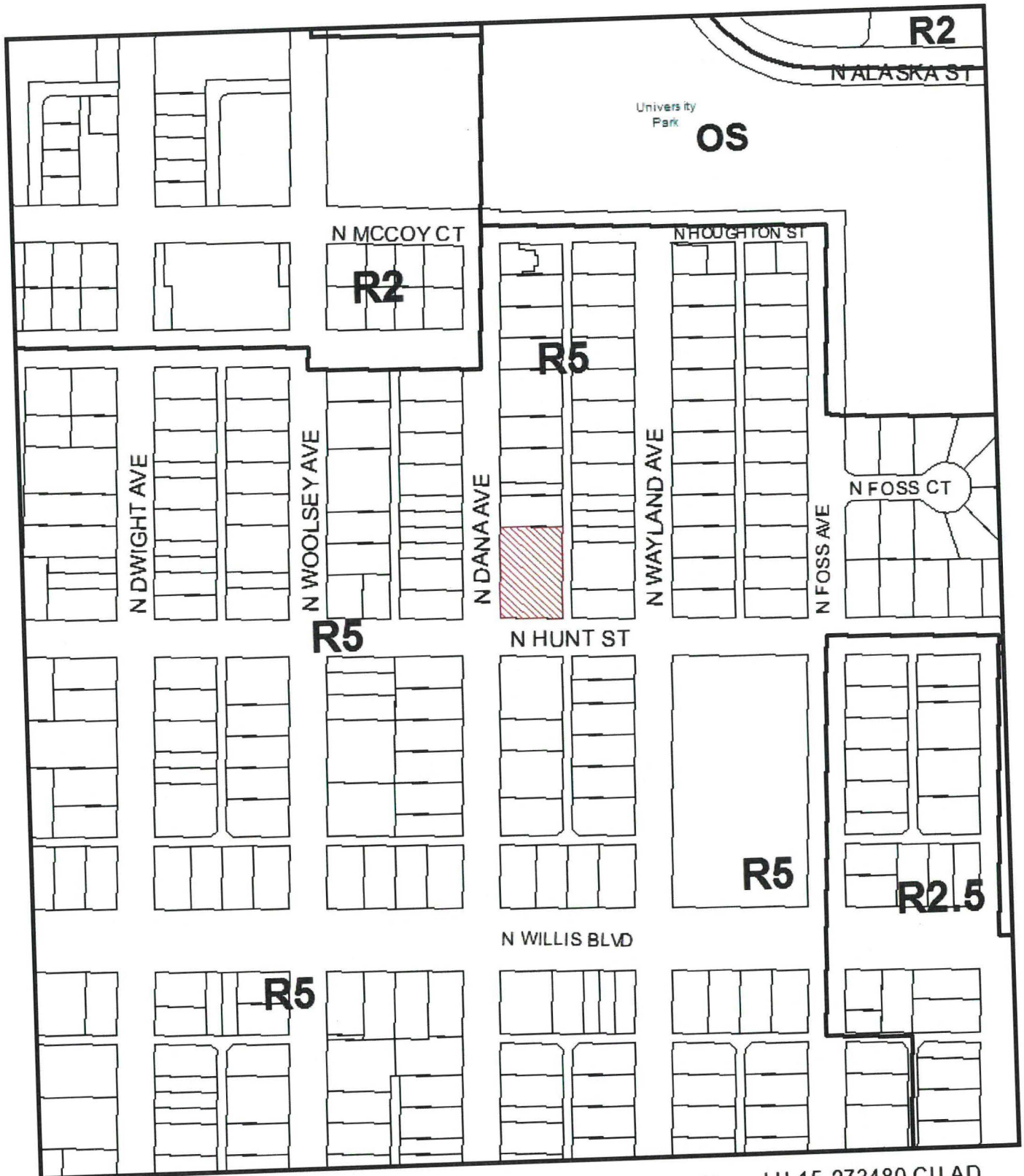
If you choose to provide testimony by electronic mail, please direct it to the Council Clerk [[karla.Moore-Love@portlandoregon.gov](mailto:karla.Moore-Love@portlandoregon.gov)]. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**

#### Attachments

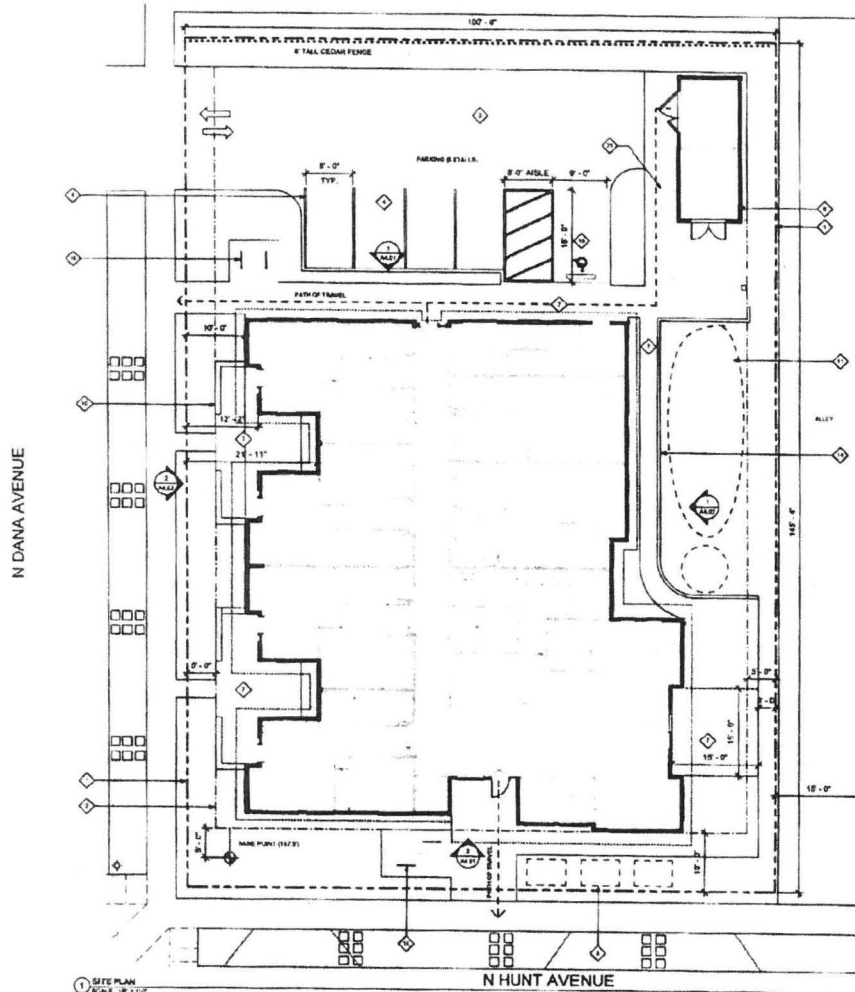
1. Zoning Map
2. Site Plans, Landscape Plans and Elevation Drawings (C.1-C.5)
3. Appeal Statement
4. City Council Appeal Process



# ZONING



File No. LU 15-273480 CU AD  
 1/4 Section 2126  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E08AC 3900  
 Exhibit B (Dec 08, 2015)



**DEVELOPMENT CODE STANDARDS**

**REQUIRED OUTDOOR AREA (33.230.030, C):**

The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes.

The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the maximum dimension is 15 by 15 feet.

There is over 1,200SF of common outdoor area on site, the dashed area at the bottom patio represents a 15x15' section of a 500sf patio area.

The minimum size of a combined area is well over 800 square feet (1,200sf) and the minimum dimension at the patio is 15 by 15 feet. This criteria is met.

**MAXIMUM BUILDING COVERAGE (33.110.225):**

The area that is covered by buildings or other roofed structures, a roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.

Group living uses are subject to the maximum building coverage for institutional development stated in Table 110-5. The maximum allowable is 50%.

Building Coverage total (incl. Trash/Shed)

$(6,025 \text{ SF} / 14,540 \text{ SF}) \times 100 = 42\%$

At 42% the building(s) are within the maximum building coverage for the site. This standard is met.

**DETACHED ACCESSORY STRUCTURE:**

The proposed shed/garage area is within side and rear setback area, therefore does not need to abide by the following standards: (1) the structure does not exceed the dimensions of 24 ft. x 24 feet, (2) the structure is no more than 15 feet tall, and the walls are no more than 10 feet high, and the walls located within the setback do not have doors and windows. I will need to verify compliance with these requirements.

**GENERAL NOTES:**

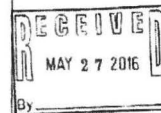
1. ALL SETBACKS, COVERTERS AND DIMENSIONS TO BE SHOWN SHALL BE THE NET MEASUREMENT OF THE DIMENSIONS.
2. THE SITE SHALL BE DESIGNED TO MEET ALL APPLICABLE LOCAL, STATE AND FEDERAL STANDARDS.
3. SEE LANDSCAPE FOR ADDITIONAL INFORMATION REGARDING PLANTING TO THE GENERAL.
4. REFER TO LANDSCAPE FOR PLANTING INFORMATION.
5. ALL NECESSARY AND LANDSCAPE AREA TO ALLOW 10% STAIN, LAMINATED PLANKS SHALL BE TO SPECIFY A MINIMUM OF 1/2" PLANTING TRENCHES TO BE ACCEPTED AS A MINIMUM OF THE AREA FOOT.
6. ALL GRASS WITHIN 2' OF THE BUILDING TO BE MAINTAINED FROM THE PUBLIC.

**KEYNOTES:**

1. FINISH PROPERTY LINE
2. LINE OF SETBACK
3. ASPHALT PAVING
4. 6" x 6" PAVEMENT AT TOP OF CURB/STAIRWAY
5. STAIRWAY SLOPE/GRADIENT
6. PERMISSIBLE PAVEMENT SEE LANDSCAPE
7. PLANTING NOTES SEE L.A.
8. LANDSCAPE PLANTING SCHEDULE
9. LITERATURE SIGN, CURB, LIGHT SEE LANDSCAPE
10. CURB & PAVEMENT
11. CONCRETE PAVED SIDEWALKS SEE LANDSCAPE
12. 6" x 6" ACCESSIBLE PAVEMENT
13. 1:8 SLOPE & REPORT OF FINISHING SET SLOPE GRADIENT. 1:8 SLOPE INCREASES TO 1:12 HEIGHT AT RAMP DOUGHS.

**LEGEND:**

- LANDSCAPE



**A**  
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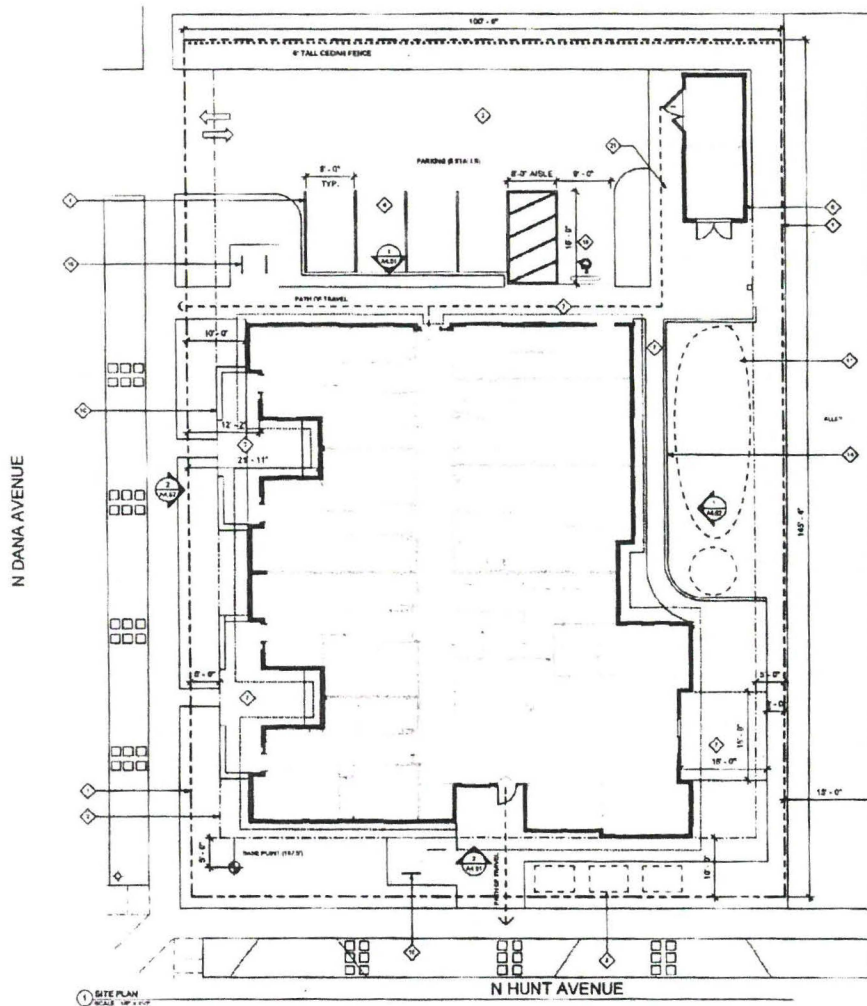
CARLTON HART ARCHITECTURE P.C.

NEW MEADOWS  
8710 NORTH DANA AVE. - PORTLAND, OREGON 97203  
LAWSON, REYNOLDS & CO.

SITE PLAN  
PROJECT NO.  
11203  
09/22/2016  
REVISIONS

A1.01

LU 15-273480 CU AD  
Exhibit C.1



**DEVELOPMENT CLERK STANDARDS**

**REQUIRED OUTDOOR AREA (33.230.020, C):**

The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes.

The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 5 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 by 15 feet.

There is over 1,200SF of common outdoor area on site. The dashed area at the common patio represents a 15x15' section of a 500sf patio area.

The minimum size of a combined area is well over 500 square feet (1,200sf) and the minimum dimension at the patio is 15 by 15 feet. **This criteria is met.**

**MAXIMUM BUILDING COVERAGE (33.110.225):**

The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry ledges that are more than 6 feet above grade. Eaves are not included in building coverage.

Group Living uses are subject to the maximum building coverage for institutional development stated in Table 110-5. The maximum allowable is 50%.

Building Coverage (incl. Trash/ Shed)  
 $(6,025 \text{ SF} / 14,540 \text{ SF}) \times 100 = 42\%$

At 42% the building(s) are within the maximum building coverage for the site. **This criteria is met.**

**DETACHED ACCESSORY STRUCTURE:**

The proposed shed/garbage area is within side and rear setback area, therefore does not need to abide by the following standards: (1) the structure does not exceed the dimensions of 24 ft. x 24 feet, (2) the structure is no more than 15 feet tall, and the walls are no more than 10 feet high, and the walls located within the setback do not have doors and windows. I will need to verify compliance with these requirements.

**GENERAL NOTES**

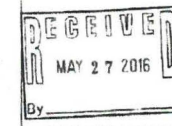
1. ALL EXISTING CONCRETE AND FOUNDATIONS TO REMAIN. FIELD CURBS SHALL BE GRADUALLY SLOPED TO ADJACENT SIDEWALKS.
2. THE SITE SHALL BE GRADUALLY SLOPED TO ADJACENT SIDEWALKS.
3. SEE LANDSCAPE FOR ADDITIONAL NOTES NOT INDICATED ON THIS DRAWING.
4. REFER TO LANDSCAPE FOR PLANTING SPECIFICATIONS.
5. ALL LANDSCAPE AND LANDSCAPE AREA TO BE PLANTED TO MEET LANDSCAPE STANDARDS. ALL PLANTS SHALL BE PLANTED AT A MINIMUM OF 10 FEET FROM FOUNDATIONS AND TO BE SUBJECT TO A MINIMUM OF 10 FEET FROM FOUNDATIONS.
6. ALL WARE HOUSES TO BE BUILT TO MEET ALL APPLICABLE PERMITS.

**KEYNOTES**

1. EXISTING PROPERTY LINE
2. LINE OF SETBACK
3. ASPHALT PAVING
4. 2" x 4" x 10' WOODEN STALL - TOP END OF CURB/STAIR
5. STAIRWAY ENCLOSURE
6. PERMANENT PAVEMENT SEE LANDSCAPE
7. PLASTER WALL - SEE PLAN
8. LANDSCAPE PLANTING AREA
9. STAIRWAY ENCLOSURE
10. CURB @ PARKING
11. CONCRETE FLOOR & BELIEVE TRACKS OFF FOUNDATION
12. 2" x 4" x 10' WOODEN STALL
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100. 2" x 4" x 10' WOODEN STALL

**LEGEND**

- LANDSCAPE



**PRELIMINARY NOT FOR CONSTRUCTION**

**CARLETON HART ARCHITECTURE P.C.**

**NEW MEADOWS 8710 NORTH DANA AVE - PORTLAND, OREGON 97203**

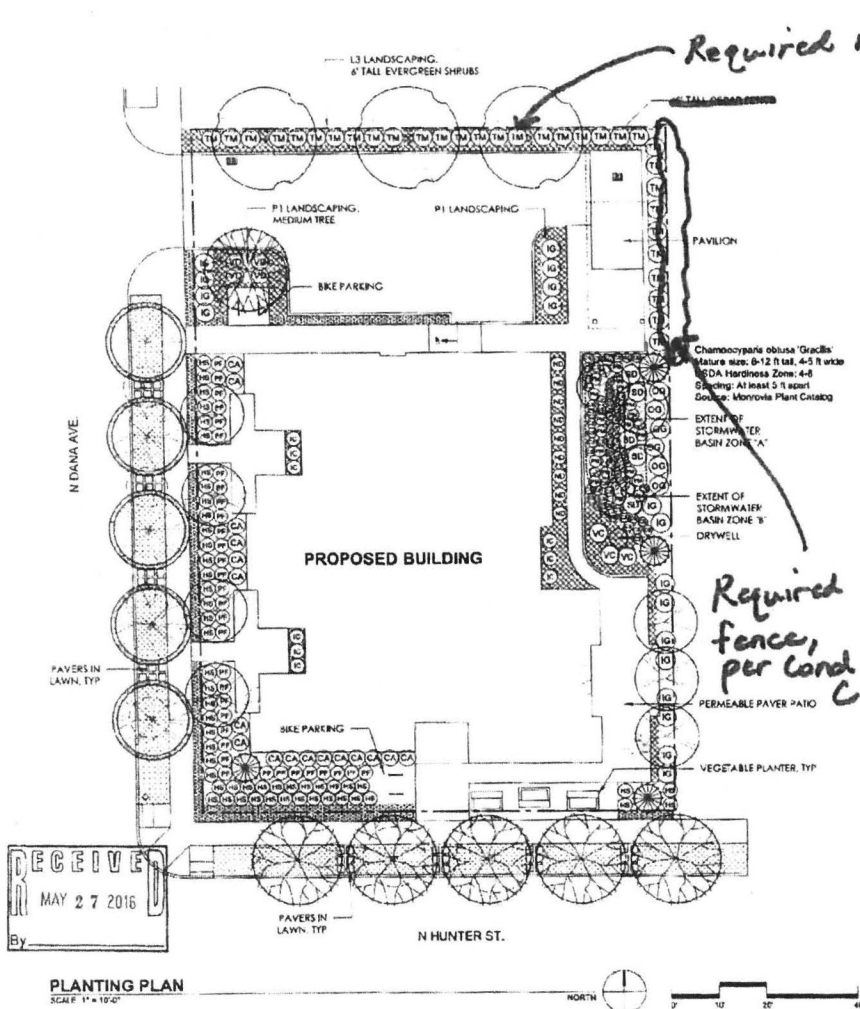
**LEGEND**

**PROJECT NO: 21335 05/22/2016**

**A1.01**

**LU 15-273480 LU AD Exhibit C.1**





Required masonry wall, per Cond. B.

Required fence, per Cond. C.

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION	QTY
(Symbol)	ALNUS CRIBRATA	PAPERBARK ALNUS	2" GAL	AS SHOWN	BAR SINGLE TRUNK	7
(Symbol)	BETULA ULLI-SIE VAR JACQUIMONTE	WHITESARKED BIRCH	2" GAL	AS SHOWN	BAR SINGLE TRUNK	3
(Symbol)	QUERCUS ROBUR L. C. ALBA 'CREMONA-MDT'	CRIMSON SWINE OAK	2" GAL	AS SHOWN	BAR	5
(Symbol)	QUERCUS WILSONII	LIVE OAK	2" GAL	AS SHOWN	BAR	3
(Symbol)	ZELKOVA SUPRATA 'MUSASHIRO'	MUSASHIRO ZELKOVA	2" GAL	AS SHOWN	BAR	1
(Symbol)	QUAMOCULUS 'GRACILE'	SLENDER FRINGE FALSE CYPRESS	1/2" HEEDIT	AS SHOWN	BAR	1
(Symbol)	POPULUS TREMULOIDES	QUAKING ASPEN	2" GAL	AS SHOWN	BAR	3

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION	QTY
NO	HANNOIA LAMBERTICA 'EMERALD SEA'	EMERALD SEA HEAVENLY BAMBOO	5" GAL	AS SHOWN	CONTAINER	1
CA	CHIAMAQUICHTO X ACUTIFOLIA 'PAUL FORESTBY'	FORESTBY'S FEATHER REED GRASS	3" GAL	AS SHOWN	CONTAINER	17
HS	HELIOPSIS SCROPERIFOLIA	BLUE CAT GRASS	2" GAL	AS SHOWN	CONTAINER	33
HO	HEXAGLABRA 'SHAMROCK'	SHAMROCK HOLLY	2" GAL	AS SHOWN	CONTAINER	20
LI	LIRIODIOPSIS BEMBRIDGII	BIG BLUE LILY TURF	1" GAL	16" O.C.	CONTAINER	280
OS	MARCHONIA AQUIFOLIUM	ORIGON GRASS	1" GAL	AS SHOWN	CONTAINER	6
PI	POTENTILLA 'FRUIT COCA'	ARBORESCENT POTENTILLA	3" GAL	AS SHOWN	CONTAINER	34
RU	RUBUS CALYCOIDES	CORRELLA RASPBERRY	1" GAL	12" O.C.	CONTAINER	283
SC	SCILLA ORENATA 'SKY PLUMEL'	SKY FENCE HOLLY	5" GAL	AS SHOWN	CONTAINER	9
TA	TAXUS MEDIA 'HICKORY'	HICKORY REDWOOD	5/8" FT	AS SHOWN	BAR	32
VC	VACCINIUM CORYMBOSUM 'BLUECHIP'	BLUECHIP BLUEBERRY	5" GAL	AS SHOWN	CONTAINER	3
VO	VIBURNUM DAVIDI	DAVID VIBURNUM	3" GAL	AS SHOWN	CONTAINER	4
W	WHEATGRASS & READY ECO-TURF MIX	LAWN	APPLICATOR RATE: SEED 7 POUNDS PER 1,000 SQUARE FEET			140

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	CONDITION	QTY
CS	CORNUS BETSICCA 'VELVET'	VELVET'S CORNUS RED OBER DOORWOOD	3" GAL	AS SHOWN	CONTAINER	36
ES	ERGONIA	LIBERTY BUSH	1" GAL	AS SHOWN	CONTAINER	5
JP	JUNCEUS PATENS	GRAY RUSH	2" GAL	AS SHOWN	CONTAINER	28
PM	POA PRACTENSIS	SWOARD PENN	1" GAL	AS SHOWN	CONTAINER	13
SD	SPARGANGLIA	DOUGLAS SPIRIVA	3" GAL	AS SHOWN	CONTAINER	3

LEGEND	
(Symbol)	EXISTING TREES TO BE REMOVED
(Symbol)	SEE TREE PLAN FOR SPECIES AND SIZE
(Symbol)	PROPERTY LINE
(Symbol)	PERMEABLE PAV-4 WALKWAY
(Symbol)	CRUSHED ROCK SURFACING
(Symbol)	CONCRETE PAVING

CODE COMPLIANCE	PLANTING NOTES
<p>RA DEVELOPMENT STANDARDS</p> <p>TOTAL SITE AREA = 14,332 SF            REQUIRED 20% LANDSCAPED AREA = 2,866 SF            PROPOSED LANDSCAPE AREA = 3,483 SF</p> <p>PERIMETER PARKING LOT LANDSCAPING            REQUIREMENTS ALONG NORTH PROPERTY LINE = 8' L3</p>	<ol style="list-style-type: none"> <li>INSTALLATION OF PLANT MATERIALS SHALL MEET AMERICAN HERBERRY AND LANDSCAPING ASSOCIATION STANDARDS.</li> <li>PLANT MATERIALS SHALL BE HERBERGY STOCK OR THE EQUIVALENT QUALITY AND INSTALLED TO INDUSTRY STANDARDS OR BETTER.</li> <li>TREES SHALL BE STAKED TO CURRENT INDUSTRY STANDARDS OR BETTER.</li> </ol>

RECEIVED  
MAY 27 2016  
By \_\_\_\_\_

PLANTING PLAN  
SCALE: 1" = 10'-0"

PRELIMINARY  
NOT FOR  
CONSTRUCTION



PARLSON HART ARCHITECTURE  
1000 N. W. 10TH AVE. SUITE 100  
PORTLAND, OREGON 97228

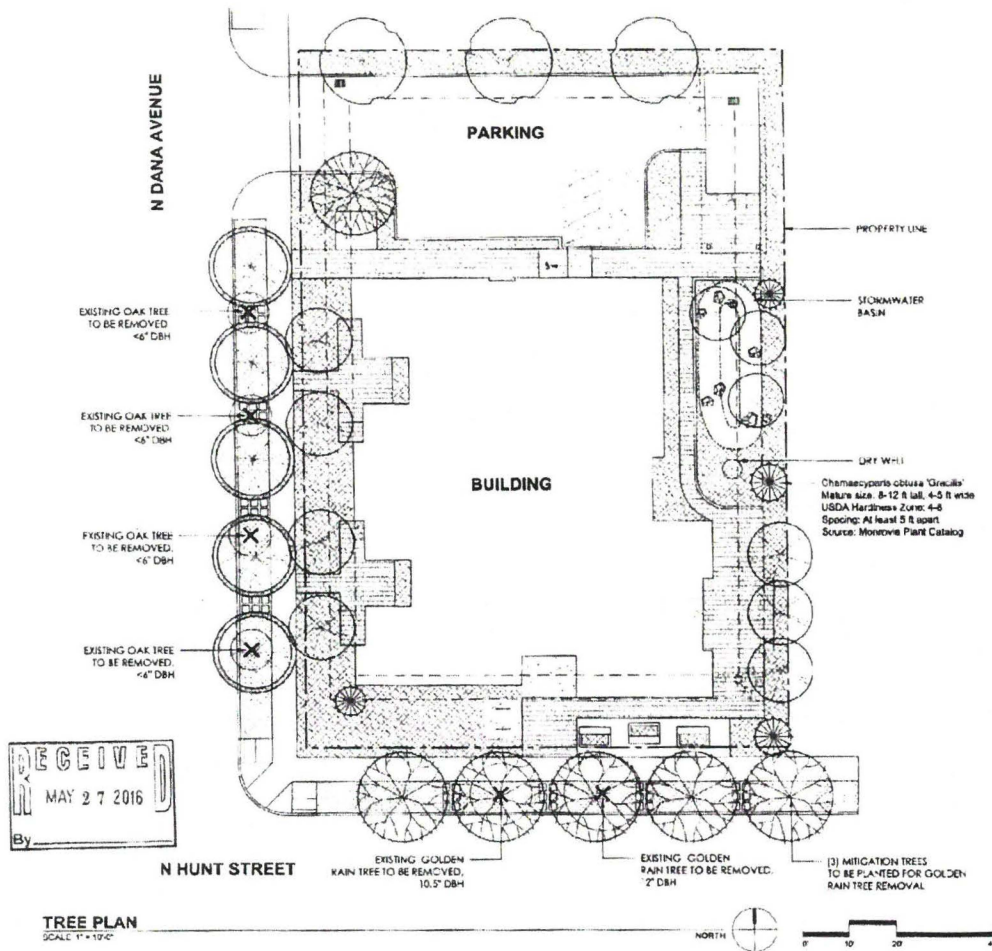
NEW MEADOWS  
8710 NORTH DANA AVE PORTLAND OREGON 97203

PROJECT NO:  
21355  
13.25.2016

ECOTONE

L3.00

LA 15-273480 CD AD  
Exhibit C.2



**TREE NOTES**

**REMOVAL**

- (1) EXISTING OAK TREES SMALLER THAN 6" DBH ARE TO BE REMOVED. NO MITIGATION REQUIRED.
- (2) EXISTING GOLDEN RAIN TREES ARE TO BE REMOVED (STREET TREES ALONG NORTH HUNT STREET) - 12" AND 10.5" DBH. TO BE REPLANTED 2:1, AND 1:1 TO MEET MITIGATION REQUIREMENT.

**PRESERVATION REQUIREMENT**

- NO TREES OVER 12" EXIST ON SITE. THEREFORE, THE 1/3 PRESERVATION REQUIREMENT IS MET.

**ON-SITE TREE DENSITY REQUIREMENT**

- SITE AREA: 14,460 SQUARE FEET
- DEVELOPMENT TYPE - OTHER (25% OF SITE)
- ON-SITE TREE DENSITY REQUIRED - 3,615 SQUARE FEET
- PROPOSED PLANTING:
  - (3) LARGE TREES - 3,000 SQUARE FEET
  - (1) MEDIUM TREES - 500 SQUARE FEET
  - (14) SMALL TREES - 4,200 SQUARE FEET
- TOTAL OF 7,700 SQUARE FEET (MEETING THE DENSITY REQUIREMENT).

**TREE LEGEND**

PROPOSED STREET TREE	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
	<i>Betula nigra</i> 'BUNTF'	Dura Heat River Birch	3" cal.	5
	<i>Quercus robur</i> x <i>Q. alba</i> 'Cormacmead'	Crimson Spire Oak	3" cal.	5
PROPOSED ON-SITE TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
	<i>Quercus hesperis</i>	Live Oak	2" cal.	3
	<i>Zelkova serrata</i> 'Musaetino'	Musashino Zelkova	2" cal.	-
	<i>Acer griseum</i>	Paperbark Maple	2" cal.	7
	<i>Populus tremuloides</i>	Quaking Aspen	2" cal.	3
	<i>Chamaecyparis obtusa</i> 'Gracilis'	Slender Hinoki False Cypress	6-8" height	4

**LANDSCAPE LEGEND**

	PLANTING AREA
	STORMWATER PLANTING
	PERMEABLE PAVERS
	SOD LAWN (RIGHT OF WAY)
	GRAVEL PAVING

PRELIMINARY  
NOT FOR  
CONSTRUCTION



CARLETON HART ARCHITECTURE  
1111 SW 5TH AVENUE, SUITE 2000 PORTLAND, OREGON 97204  
503.241.7121 | 503.241.7334 | carletonhart.com

NEW MEADOWS  
8710 NORTH DANA AVE. PORTLAND, OREGON 97203

PROJECT NO.  
2156  
05/28/16

REVISIONS:

L3.01

LA 15-273480 CU AD  
Exhibit C.3

PRELIMINARY  
NOT FOR  
CONSTRUCTION

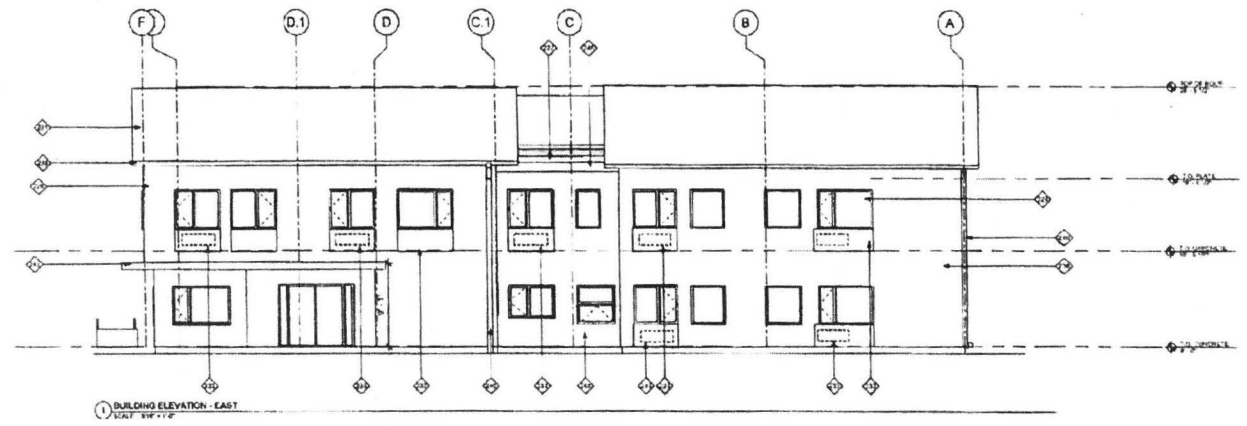


NEW MEADOWS  
8710 NORTH DANA AVE - PORTLAND, OREGON 97203

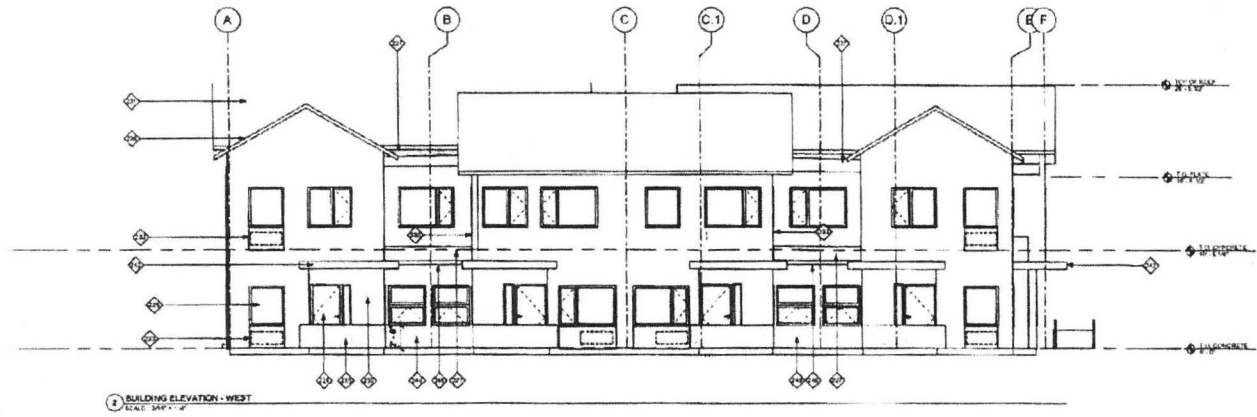
BUILDING ELEVATIONS  
PROJECT NO.  
21535  
05/14/2016

REVISIONS

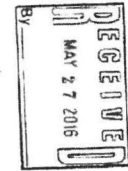
A4.02



1 BUILDING ELEVATION - EAST  
SCALE 3/4" = 1'-0"



2 BUILDING ELEVATION - WEST  
SCALE 3/4" = 1'-0"



NOTES: DRAWINGS ARE AT HALF SCALE WHEN PRINTED AT 11x17"

LU 15-273480 CU, AD  
Exhibit C.4



# City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7300 • www.portlandoregon.gov/bds



## Type III Decision Appeal Form

LU Number: 15-273480 CU AD

### FOR INTAKE, STAFF USE ONLY

Date/Time Received 7/25/2016 12:55 pm

Action Attached

Received By L. DANCE

Fee Amount

Appeal Deadline Date 7/28/2016 4:30 pm

[N] Fee Waived

Entered in Appeal Log

Bill #

Notice to Auditor

[Y] [N] Unincorporated MC

Notice to Dev. Review

### APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 8710 N Dana Ave. Portland, OR 97203 DEADLINE OF APPEAL 07/28/2016

Name Portsmouth Neighborhood Association

Address 2209 N Schofield St. City Portland State/Zip Code OR 97217

Day Phone 503 240 3344 Email portsmouthchair@gmail.com Fax 971 256 8869

Interest in proposal (applicant, neighbor, etc.) Neighborhood Association

### Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. \_\_\_\_\_

Zoning Code Section 33. \_\_\_\_\_

Zoning Code Section 33. \_\_\_\_\_

Zoning Code Section 33. \_\_\_\_\_

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

Please see attached.

Appellant's Signature [Signature]

### FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type III Decision being appealed
- An appeal fee as follows
  - Appeal fee as stated in the Decision, payable to City of Portland
  - Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
  - Fee waiver for low income individual approved (attach letter from Director)
  - Fee waiver for Unincorporated Multnomah County recognized organizations is signed and attached

The appeal must be filed by 4:30 pm on the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 am and 3:00 pm on Monday through Wednesday and Friday, and between 8:00 am and 12:00 pm on Thursday. After 3:00 pm on Monday through Wednesday and Friday, and after 12:00 pm on Thursday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

**Type III Decision Appeal: Case LU 15-273480 CU AD**  
**Pre App: PC # 15-236150**

Specific approval criteria being appealed:

**33.815.105**

**A (1) and (2)**

**B (2) and (3)**

**C (1)**

**D (2)**

**33.805.040**

**A**

**B**

**E**

Explanation:

**33.815.105 A(1)**

Proposal does not meet criteria 33.815.105 because Proposal *will* significantly conflict with the appearance and function of the residential area by adding another Group Living facility to a single-family neighborhood. Bridge Meadows Group-Living Facility is within 400 feet of the Subject Property, causing an unreasonable concentration of Group-Living Facilities within an R5 zone. Overall appearance of the neighborhood, which is abutted but other uses outside Residential Use, will be significantly lessened by approval of the Proposal.

Hearings Officer notes that Proposal of a Group Living Use will “essentially, while not technically under the Portland Zoning Code, constitute a household living use.” Opposition contends that Proposal is very similar to an Institutional Use of Community Services as defined by 33.110.420 in that Applicant is a non-profit providing housing and social services to members, has employees providing services to residents, deviating only from this definition in that residents will be intended (but will not necessarily) live at the facility for more than a month. Opposition contends that Proposal is not “essentially” a household living use, but rather has some features of a Community Service, and some features of Group Living Use.

Hearings Officer found that impacts from approval of the proposal would have only minor impacts on the overall appearance and function of the area within 400 feet of the Subject Property. However, on page 31 of the Decision, Hearings Officer characterizes the area of Subject Property affected as within 600 feet of Subject Property. Inconsistency in the area affected by the Subject Property is concerning and questionable, therefore clearer and consistent definition of the affected area is required to properly describe and analyze neighborhood impacts.

**33.815.105 A(2)**

Hearings Officer erred procedurally in addressing this condition by using a combination of several logical fallacies including “straw man” arguments and a false dichotomy. Hearings Officer and BDS Staff member considered whether the intensity and scale of Proposal *only* in comparison to what possibly could be built on Subject Property with maximum allowed residential density. Possible other uses could also include a single house with a single resident, two houses with 4 residents, and a variety of other options. Comparing Proposal to an isolated example is irrelevant to determining whether *this* proposal meets the condition.

Opposition contends that the intensity of the Proposal is significantly larger than nearby homes, thereby creating a noticeable and conspicuous building, detracting from the single-family residential character of

the neighborhood. Intensity exceeds that of the neighborhood by overall building size, resident population, number of employees, and living units. Again, intensity and scale will significantly impact neighborhood and surrounding area when *being compared to the neighborhood and surrounding area*.

**33.815.105 B (2)**

Proposal does not meet condition because Proposal is not compatible with adjacent residential developments based on site size, building scale, and setbacks. BDS Staff recognized that Proposal will be much larger than most homes in the immediate area. Although Proposal setbacks and dimensions are within Zoning Code allowances, Zoning Code allowances are not the only standard by which a building can be compatible. Proposal is not compatible with adjacent residential developments because it is several times larger than any nearby residential home. After meeting with the community, Applicant changed the siding, roofing, and building facade. Opposition contends that these slight changes are not noticeable enough to detract from the overall bulk and large size of the building and its significant difference from the neighborhood characteristics.

**33.815.105 B (3)**

Opposition contends that Proposal does not mitigate differences in appearance and scale because of the parking lot which will abut a resident's property. A considerably more reasonable approach to maintaining livability for neighbors, especially a neighbor whose property will be directly adjacent to parking lot planned for Subject Property, will be to move the parking lot to the eastern side of the property, adjacent to the alleyway. By moving the parking lot to the alley, it allows the parking lot to abut a roadway, rather than a person's home, disturbing residents significantly less. In negotiations with neighbors, Applicant declined to rearrange location of the parking lot because they would need to move a light pole and it would cost them a bit more money. Opposition contends that a resident's livability in the neighborhood is more concerning and important than a small sum of money. Moving the parking lot will also satisfy minimum requirements *and* will have less of an impact on adjacent properties and neighbors. Opposition further notes that the a large concrete wall, as proposed by BDS Staff, will not sufficiently address the livability issue to the adjacent neighbor and will continue to be incompatible with neighborhood characteristics and features.

**33.815.105 C (1)**

As mentioned previously, Proposal will have various adverse impacts on livability of residential lands and neighbors. Along with the parking lot, concerns about increased noise and late-night activities remain a concern. Hearings Officer agrees with BDS Staff that a Good Neighbor Agreement (GNA) be reached by Applicant and the Portsmouth Neighborhood Association. Opposition continues to be concerned about the GNA due to the inconsistencies in Hearing Officer's reports. In this section, Hearings Officer states that the approval criteria is met under the condition that Neighborhood Association and Applicant "work together to establish a GNA." On page 34 of Hearing Officer's Decision, Hearings Officer states that Applicant may either create a GNA with the Neighborhood Association *or* document that Applicant has "met in good faith" with the Neighborhood Association. This is unsatisfactorily vague, as the Neighborhood Association contends that the Applicant should be *required* to come to an agreement with the Neighborhood Association. A documentation of meeting in "good faith" allows for significant flexibility and ambiguous interpretation. Furthermore, details that have been introduced about proposed GNA, like quiet hours between 9 PM and 6 AM, are not consistent with existing laws. Existing Portland Ordinance, as described by 18.10.010, states that daytime hours are from 7 AM to 10 PM. Opposition contends that quiet hours should either be within this time range (quiet between 10 PM and 7 AM) or more narrow than this time range (9 PM and 8 AM, for instance). Opposition does not agree with creating a GNA that describes quiet hours outside that described by the Portland City Ordinance. In addition, Proposal indicates that the facility will only be comprised of residents of a particular age range: 17 – 24 years of age. Opposition and the Neighborhood Association is concerned with increased level of noise and late-night activities associated with a concentration of residents that are in this particular age range.

Much like a dormitory on college campuses, the Proposal will necessarily involved increased sound and activities that would not be present if the lots were to house various aged individuals. The signing of an "agreement" is not sufficient to mitigate and control the significant impacts on the neighborhood community.

### **33.815.105 D (2)**

Opposition has issue that the only analysis done to evaluate the impact on the transportation system, on-street parking, and neighborhood impacts was by company hired by the Applicant. This is an understandable conflict of interest. Opposition notes that PBOT did not perform their own analysis for comparison. In evaluating on-street parking impacts, Applicant hired a traffic consultant who conducted a study on a single day. The industry standard for science and technology is to conduct multiple studies (or in this instance, observe on more than one occasion) to gather information to create a reliable evaluation. Also in this case, evaluation was *only* done by a consultant Applicant hired. Opposition contends that the studies Applicant presented cannot be relied upon nor considered when determining whether this condition has been met. Again, BDS Staff compared the Proposal to another possibility in order to make the Proposal more likeable in comparison. Opposition continues to contend that arguments using fallacious reasoning like this should not be considered when determining if *this* project meets the necessary conditions for approval.

### **33.805.040 A, B, E**

Opposition contends that the intended purpose of the regulation to distance Group-Living Uses from one another by a minimum of 600ft is to avoid saturation or concentration of Group-Living Uses in residential Household Use areas. Proposal explicitly violates the exact purpose by placing large facility near another large facility which Applicant also owns, thereby concentrating not only multiple Group-Living Uses, but Uses exclusively by the same company. This will unduly affect the neighborhood because approval of Proposal will unreasonably, excessively, and to a unnecessary degree put priority on a specific company, rather than the neighbors and neighborhood as a whole. Opposition notes that several neighbors are in opposition to the project and neighbor Allison McManus submitted a petition signed by multiple neighbors stating such opposition (document submitted during original hearing). Each one of the neighbors feels that the project will unduly affect the neighborhood. These are individuals that chose to move to a single-family residential neighborhood, but will now be surrounded by Group-Living Uses for no justifiable reason. Hearing Officer concludes that the effect of the Proposal will not unduly affect the neighborhood based specifically on the amount of residents being added, the appearance of the building, and the livability conditions. However, as noted in several other sections of this opposition, many of those other aspects have not been sufficiently addressed. Hearing Officer concludes that the general "area" is residential but fails to note that adding another Group-Living Use *will* shift the character of the neighborhood, especially considering the other uses in close proximity (Charles Jordan Community Center, Rosa Parks Elementary School, Bridge Meadows – all within 3 blocks of Subject Property).

Opposition also makes a point that, if approval of this Proposal does not exceed purpose of the adjustment regulation, then at what point will BDS Staff and Hearing Officers admit that an excessive concentration of Group-Living facilities has been achieved? Both BDS Staff and Hearing Officer state that Portsmouth Neighborhood is already home to other Group-Living Uses as well as R2 and R2.5 uses, so an additional Group-Living Use will not affect the character of the neighborhood. Using this logic, every future proposal will also be approved because past proposals are continuing to be approved. This is obviously not an effective way to evaluate whether this condition has been met.

Impacts resulting from the adjustment are not properly mitigated, in that, there are practical ways to address the issues addressed and still serve the purpose of the Proposal. First, the parking lot can be moved to the alleyway (east) side of the Subject Property and considerably improve livability. Second, proposed building can be broken into smaller buildings or a duplex style building, where tenants can interact but do not share one hallway. Separated buildings and residential-style housing will better fit with the appearance of the neighborhood and serve better in the future should Applicant no longer be able to

maintain the property. Finally, the Good Neighbor Agreement should be a *requirement* for approval, not merely an attempt made at a GNA. Opposition believes these requests are reasonable and feasible to maintain the overall appearance, function, and characteristics of the neighborhood.

**In Summary:**

Opposition expresses that, when properly and scrupulously examined, Proposal does not meet conditions in several important areas. Many neighbors have lived in the immediate area for decades and will be unduly and unreasonably affected by approval of this proposal. Furthermore, regulations and laws about zoning exist to help protect neighborhoods and communities. Please reconsider the Decision by Hearing Officer and allow the numerous neighbors in opposition to have a voice in a potentially neighborhood-altering decision. Thank you.



**GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR  
ON-THE-RECORD APPEALS**

**1. SUBMISSION OF LEGAL ARGUMENT**

- a. On-the record appeals are limited to legal argument only. The only evidence that will be considered by the City Council is the evidence that was submitted to the HEARINGS OFFICER prior to the date the HEARINGS OFFICER closed the evidentiary record. Parties may refer to and criticize or make arguments in support of the validity of evidence received by the HEARINGS OFFICER. However, parties may not submit new evidence to supplement or rebut the evidence received by the HEARINGS OFFICER.
- b. Legal argument may be mailed to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written legal argument must be received by the time of the hearing and should include the case file number.
- c. Legal argument may be submitted orally (see below).

**2. COUNCIL REVIEW**

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent	15 minutes
Other Opponents	3 minutes each
Appellant Rebuttal	5 minutes
Council	

- b. The applicant has the burden of proof to show that the evidentiary record compiled by the HEARINGS OFFICER demonstrates that each and every element of the approval criteria is satisfied. If the applicant is the appellant, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the applicant must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidentiary record compiled by the HEARINGS OFFICER demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong approval criteria are being applied or additional approval criteria should be applied.

**3. OTHER INFORMATION**

- a. Prior to the hearing, the case file and the HEARINGS OFFICER decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, #5000, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

**If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**