



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

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Date: April 7, 2011
To: Interested Person
From: Kathleen Stokes, 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-114648 CU

GENERAL INFORMATION

Applicant: Paul Cathcart, PPS
School District No 1
PO Box 3107
Portland, OR 97208-3107

Site Address: 5105 SE 97TH AVE

Legal Description: BLOCK 7 TL 100, CADWELLS ADD
Tax Account No.: R125901790
State ID No.: 1S2E16 00100
Quarter Section: 3540

Neighborhood: Lents, David Hyde at 503-772-1376.
Business District: Midway, Bill Dayton at 503-252-2017.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin

Zoning: R5a (R5,000, High Density Single-Dwelling Residential, with an Alternative Design Density Overlay), OS (Open Space)

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

Proposal: The Portland School District is proposing to add two 1,792 square-foot modular classroom buildings at Lent Elementary School (combined total of 3,584 additional square feet). The structures are proposed to be located on the west side of the main school building, which is adjacent to the I-205 freeway. The proposed structures will each contain two classrooms and will be used to reduce crowding, as the school accommodates the projected increase in students for the coming school year. The 2011-2012 enrollment is estimated to be 585 students, which is an increase of 24 students over the previous high enrollment, in 2010-2011, of 561 students. Note that the proposed site plan also shows a third modular building, which is being anticipated for the near future. However, as the projected enrollment that might be accommodated by a third modular building and the projected traffic impacts from that

additional enrollment were not analyzed for this proposal, it is not being considered as a part of this review.

Changes that increase the floor area for Conditional Use sites, over 1,500 square feet, but less than 10%, require approval of a Type II Conditional Use Review. At the time of the submittal for this application, the Code also required a Type II Conditional Use review for increases of less than 10% in the numbers of students at schools that are located in residential or open space zones.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are those for Uses in the Open Space Zone, 33.815.100 A through D and Institutional and Other Uses in R Zones, Code Section 33.815.105, A through E.

ANALYSIS

Site and Vicinity: The site is a 468,270 square-foot property that is bounded on the west side by the 1-205 Freeway and on the east side by SE 97th Avenue, and is situated between SE Schiller Street, on the north, and SE Steele Street, on the south. The site is developed with a K-through-8 elementary school that was built in 1950. The main school building is located in the southeast quadrant of the site. Two modular classroom buildings are located to the north of the main school building and an additional annex is located to the west of the building, near the south end of the site. The northern portion of the site (at least one-third of the site area), is devoted to athletic fields. This portion of the site is relatively flat and incorporates the vacated right-of-way for SE 96th Avenue. South of the vacated right-of-way, the western edge of the site consists of a fairly steep embankment that abuts the cutout in the topography that was created in the construction of the freeway. A small parking area on the west side of the main building, provides about 18 spaces and is accessed from a narrow, gated driveway from SE Steele Street.

Zoning: The site is zoned R5, High-Density Single-Dwelling Residential with an “a” or Alternative Design Density Overlay. The R5 zone requires an average lot area of 5,000 square feet, with a maximum allowed density of one unit per lot (generally 8.7 units per acre.) The “a” Overlay Zone allows opportunities for increased residential density in certain situations. The overlay zone does not apply to this situation. Institutional Uses are allowed, when approved as Conditional Uses. Institutional Uses are subject to special development standards, found in Section 33.110.245, which are intended to ensure that institutional development is compatible with residential development in the area and that negative impacts on the surrounding residential area are limited.

A portion of this site is zoned OS (Open Space). The OS zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions, including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

The site is located within the boundaries of the Johnson Creek Basin Plan District. This plan district provides for the safe, orderly, and efficient development of lands that may be subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. None of the regulations of the plan district apply to this proposal.

Land Use History: City records include the following prior land use review for this site.

CU 039-66 1966 approval of Conditional Use Review for a “portable” classroom.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 11, 2011**. The following Bureaus have responded with no issues or concerns regarding approval of the Conditional Use Review. Agencies that provided written comments regarding requirements for building permit review are noted with exhibit numbers:

- Environmental Services noted that a detailed site utility plan, with existing and proposed sanitary sewer connections and storm water management meeting the City’s Stormwater Management Manual requirements must be provided (Exhibit E-1).
- Transportation Engineering provided an analysis of the proposal in regards to the transportation-related approval criteria. The body of this response is cited in the findings for Criteria 33.815.105 D. 1 and 2, below (Exhibit E-2).
- Water Bureau provided information on water services for the site (Exhibit E-3).
- Fire Bureau noted that fire code requirements must be met at the time of building permit review (Exhibit E-4).
- Police Bureau stated that the bureau is capable of serving the proposed use at this time but also recommended that the school district work with the bureau to ensure continued attention to safety and security issues (Exhibit E-5).
- Site Development Section of BDS provided an electronic response of “no concerns.”
- Life Safety Plan Review Section of BDS provided a response that noted several of the building code standards that must be complied with in final plans for permit approval (Exhibit E-6).
- Parks-Forestry Division provided an electronic response of “no concerns.”

Neighborhood Review: One written response was received from a notified property owner in response to the proposal. The neighbor stated that provision of additional classrooms to accommodate the enrollment at Lent School was acceptable, but questioned whether modular classrooms were the best solution and indicated disapproval of the school district’s plan to close Marshall High School (Exhibit F-1).

Staff note: The decision of the Portland Public School District to close Marshall High School is not subject to review under or determination of the City Of Portland Zoning Code, so we are not able to comment on that action. As to the use of modular classroom buildings, this practice has been customary in school districts across the country for many decades, as a way of meeting the space demands that are created by increased enrollment and/or changes in programming at existing schools. The structures apparently serve an economic need for greater flexibility in the provision of classroom space, without the concurrent depreciation that occurs with traditional building additions.

ZONING CODE APPROVAL CRITERIA

33.815.100: Uses in the Open Space Zone

33.815.040 Review Procedures

The procedure for reviews of conditional uses depends on whether the applicant is proposing a new conditional use, changing to another type of conditional use, or modifying development at an existing conditional use. The review procedure may also depend upon the type of use that is being proposed. This proposal is for an addition to an existing school at a site that is located in the OS and the R5 zones. The proposed addition will increase the floor area and the enrollment by less than 10% and therefore requires approval through a Type II Conditional Use Review.

33.815.100 Approval Criteria for Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections of 33.815. The approval criteria allow for a range of uses and development which are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned

area and with the purpose of the OS zone;

Findings: The purpose of the OS zone is:

- to provide opportunities for outdoor recreation;
- to provide contrasts to the built environment;
- to preserve scenic qualities;
- to protect sensitive or fragile environmental areas;
- to preserve the capacity and water quality of the stormwater drainage system; and
- to provide pedestrian and bicycle transportation connections.

The Open Space zoning on this site was applied to the adjacent I-205 Freeway and extended to the vacated SE 96th Avenue right-of-way. When the portion of SE 96th Avenue that abuts the western edge of the school site was vacated, in 1977, the street became part of the existing school site, but carries the OS zone designation that was placed on the adjacent freeway.

The site was developed with a neighborhood school in 1950. The portion of the site that is in the OS zone contains an access drive and a small amount of landscaping. It is not clear what the purpose was for placing OS zoning on the freeway and the adjacent street right-of-way. However, a sizeable portion of the school property consists of athletic fields, so even with the addition of additional modular classroom buildings, it will still maintain opportunities for outdoor recreation and provide a contrast to the built environment. There are no existing scenic qualities and no sensitive or fragile environmental areas. A Geo-technical Report submitted by the applicants shows an infiltration rate of 7.2 inches per hour, which will allow use of a drywell that is proposed for the stormwater drainage for the proposed modular classroom buildings. There will be no change to existing pedestrian and bicycle transportation connections that exist on the site. Therefore, the addition of the modular classroom building in the proposed location will not have any impact on the intended character of this OS-zoned site or on its ability to meet the purpose of the OS zone and this criterion is met.

2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and

Findings: The only open or natural areas on the site are the landscaped areas adjacent to the school building and the athletic fields. As a part of the building permit review process, additional landscaping will be added on the site and the proposal includes planter boxes that will also address storm water management, adjacent to the proposed modular classroom buildings. The remainder of the open area on the site will continue to provide school play area to serve the children of the community. Therefore, this criterion is met.

3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

Findings: There are no City-designated environmental resources on this site. Therefore, this criterion does not apply.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan; and
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and transportation demand management strategies;

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

Street Classification

At this location, SE 97th, SE Schiller, and SE Steele are designated Local Service Streets for all modes. *(Staff note: The I-205 Freeway, adjacent to the west boundary of the site is not considered to be a street, under the definitions of Title 33).*

Lent Elementary School is located on the west side of SE 97th Avenue between SE Schiller Street and SE Steele Street. There is on-site parking on the campus that is accessed via a driveway onto SE Steele Street. There is a time restricted parking zone on SE 97th north of the main entrance to the school and a no-parking zone along the school frontage south of the main entrance. There is an additional no-parking zone along the north side of SE Steele at the school frontage.

PPS serves the site with three smaller special education busses. No large busses serve the site. The busses use a paved driveway (in the former right-of-way of SE 96th Ave) from the northwest corner of the site on the west side and drop-off and pick-up students under the covered driveway adjacent to the main entrance on the west side of the building.

Trip Generation

A traffic analysis prepared by Lancaster Engineering, dated January 13, 2011, adequately addresses the transportation impacts associated with the proposed addition of the additional modular classrooms on the site. This study in addition to the narrative provided by PPS addressing the remaining transportation related evaluation factors provides the basis for PBOT finding that the transportation system is capable of safely serving the school site in addition to existing uses in the area.

There are currently 561 students enrolled at Lent School for the 2010-2011 school year. A total of 585 students are expected for the 2011-2012 school year. This 24-student increase in enrollment is expected to result in approximately eleven additional morning peak hour trips and seven additional afternoon peak hour trips as compared to the existing year 2010-2011 traffic levels. The additional trips associated with the two modular classrooms are minimal and not expected to create any significant impacts. No mitigation is needed.

Parking Impacts

The majority of the pick-up and drop-off by parents in private vehicles takes place in the on-street parking area on SE 97th. A striped crosswalk is located on SE 97th opposite the main entrance to the school. Kindergarten students are dropped off and picked up on the west side of the school via the paved driveway that extends from the northwest corner of the school to the main entrance of the west side of the building. The traffic analysis prepared by Lancaster Engineering did not note any significant traffic congestion related to the pick-up and drop-off periods, but did notice brief cueing on SE 97th Ave approximately 15-minutes before the start of school.

The Continuous Service Plan (CSP) completed for Lent School identifies solutions for vehicle congestion (pages 21-23 of the CSP) to address traffic and parking congestion. The options include parking restrictions near the main entrance (completed), drop-off of younger students on the west side of the school near the west entrance with cars entering the south side of the school property and exiting on the north side through the existing driveway connection to SE Schiller; making SE 97th a one-way street; and the installation of a loop vehicle path on the east side of the school for additional parking and queuing space. The option to route a portion of the drop-off traffic on the west side

of the school (Figure 24 of the CSP) is under discussion with the school administration and the SRTS program to determine feasibility.

While all the other identified vehicle congestion solutions may reduce traffic and parking congestion, the loop vehicle path and one-way street options appear the more appropriate of the alternatives that may be implemented for this site. The school wishes to try other iterative approaches such as increased bicycle ridership, walking, and alternative circulation routes prior to implementation of the loop vehicle path and one-way street options. PBOT recommends that PPS continue their cooperation and efforts with the SRTS program. The TMP includes monitoring of mode splits to document the effectiveness of alternative measures to reduce traffic and parking congestion.

The duration and extent of the parking impacts will not be affected significantly by the addition of the proposed four modular classrooms for the expected increase in enrollment at Lent School. No mitigation is recommended.

Transportation Management Plan (TMP)

PPS has submitted a TDM plan for Lent School. This plan identifies all relevant goals and measures Lent School will take to provide safe, reliable and efficient transportation options for students, parents, and staff while minimizing the impact traffic can have on the surrounding community. PPS has also submitted a copy of their Safe Routes to School (SRTS) Continuing Services Plan (CSP) for Lent School. This document identifies a number of projects to improve vehicle congestion on local streets near the school related to pick-up and drop-off traffic. Some of the proposed projects (restricted parking near the school) have been implemented. PBOT recommends that Lent School continue to work with the Safe Routes to School program to achieve stated goals.

Access to arterials

The school site is located two blocks from SE Holgate and four blocks from SE 92nd (both arterial streets). There are no access restrictions to arterial streets from the school site.

Connectivity

The school is located in an area with a well-connected grid pattern of streets. There would be little benefit of a new east/west public street through the school campus since the school site borders Interstate 205 on the west.

Transit Availability

There is one bus stop within ¼ mile of the site located at the intersection of SE Harold and SE 97th Ave.

Street capacity and level of service

A traffic analysis letter, prepared by Lancaster Engineering and discussed under Trip Generation above, documents that the additional trips associated with the two modular classrooms are minimal and not expected to create any significant impacts.

Access restrictions

Lent School has frontage on three public streets: SE 97th, SE Steele, and SE Schiller. The Interstate 205 multi-use path provides pedestrian access from the west of I-205. The proposed modular buildings would not impose any restrictions to the existing access to the school.

Impacts on pedestrian, bicycle, and transit circulation

The additional student enrollment will use the existing circulation systems; no negative impacts to the existing systems are anticipated with approval of this land use review.

Safety for all modes

The traffic analysis prepared by Lancaster Engineering identified concerns about the drop-off pattern of students in the morning. The CSP development by the City's SRTS

program identified a number of short term projects to address transportation safety around the school. The Lent School administration and the SRTS program are in the process of completing the short term projects. At the time of this land use application, the City's SRTS program has applied to ODOT for grant funding to install curb extensions at the intersection of SE 92nd and SE Harold as well as curb extensions and a pedestrian refuge at the intersection of E 97th and SE Holgate St. Announcement will be made in May of 2011. The SRTS program and the Lent School administration will continue to identify opportunities to complete the short and long term projects in the Continuous Service Plan (CSP)

Summary

The remaining transportation evaluation factors in 33.815.105.D 1&2 are sufficiently addressed in the applicant's written narrative. The transportation system is capable of supporting the proposed two modular classrooms and increase in enrollment in addition to the existing uses in the area.

CONCLUSIONS:

Portland Transportation has no objection to approval of the proposed Conditional Use. Therefore, these criteria are met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The service agencies responded to indicate that public services are adequate to serve the proposed development and uses. BES noted that stormwater management will be addressed through the addition of a drywell that will meet the standards of the City's Storm Water Management Manual. Therefore, 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: No significant adverse impacts related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal. There will be no change from existing school hours and activities as a result of the additional students or the new buildings. No late-night activities are proposed and there will be no activities that generate any additional noise or glare from lights that would impact the residential area, which is a significant distance away from the proposed buildings. Maintenance of the school site to prevent any impacts from odors or litter will also continue. Use of the new classrooms will not create any privacy or safety issues as they will be part of the self-contained development on the existing school site. Therefore, these criteria are met.

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

Findings: The site is located within the boundaries of the Lents Neighborhood Plan and the Outer Southeast Community Plan. The proposal continues the existing school use, with the addition of two new modular classroom buildings, and a small increase in the number of students. There are no policies of these plans that are directly related to this proposal, but the proposed improvements, which will enhance this neighborhood institution and maintain existing open space, are generally consistent with these adopted area plans. Therefore, this criterion is met.

33.815.105: Institutional And Other Uses In R Zones

33.815.040 Review Procedures

A portion of this site is located in the R7 zone, where schools are also regulated as Conditional Uses. Because this proposal is for an addition and an increase in floor area and in school staff and enrollment that is less than 10% and it requires approval through a Type II Conditional Use Review and must also meet the approval criteria for Conditional Uses in residential zones.

33.815.105 Approval Criteria for Non Household Living Uses in R Zones

These approval criteria apply to most conditional uses in R zones. The approval criteria allow institutions and other non household living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The residential area includes residentially-zoned properties within several blocks of the site. This site is surrounded by R5a, Single-Dwelling Residential, with an Alternative Design Density Overlay on the north, east and south sides and by OS or Open Space zoning on the west. The residential area that might be impacted by the school lies between SE Holgate Boulevard and SE Harold Street, east to SE 100th Avenue. The closest residential area to the west, is across the freeway and is too far away to feel any impact from the proposed increase in the number of students or the proposed development. Within the defined residential area, household uses are predominant. The school has had a presence in the neighborhood since 1948 and predates many of the residences that surround it. The number, size and location of uses are not changing, so there will be no increase in the proportion of uses that are not in the Household Living category in the residential area.

The proposed buildings are intended to accommodate the existing student body and a proposed increase of only 24 students. This proposed increase in the numbers of students is small enough that it is not expected to create any significant increase in the intensity of the use. Therefore, these criteria are met.

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 City-designated scenic resources at the site or adjacent to 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, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: The approval criteria require that either 2 or 3 must be met. The architecture of institutional uses is often substantially different from residential architecture, based on

characteristics such as site size, building scale and style. The proposed development is for the addition of two one-story modular buildings, which will be required to have horizontally-oriented siding and to be painted to match the other structures on the site. The main school building is situated between the location of the proposed structures and the adjacent neighborhood. The landscaping and setbacks, including the steep banks on the west side of the school grounds, provide additional screening that buffers the surrounding homes in this residential area. Therefore, 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: As discussed in the findings for Criteria 33.815.100 C. 1 and 2, above, no significant adverse impacts, related to noise, glare from lights, late-night operations, odors or litter are expected to result from this proposal. Therefore, as previously noted, these criteria are met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: Portland Transportation/Development Review reviewed this proposal for its conformance with adopted policies, street designations, Title 33 Approval Criteria, Title 17, and for potential impacts upon transportation services and stated that there was no objection to approval of the Conditional Use. Transportation's analysis was contained in the findings for Criteria 33.815.100 B. 1 and 2, above. As noted in those findings, these criteria are met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: As noted in the findings for Criterion 33.815.100 B.3, the City's other service agencies evaluated this proposal and found that public services are adequate to serve the proposed use. Therefore, this criterion is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council such as neighborhood or community plans.

Findings: This site is within the boundaries of both the Lents Neighborhood Plan and the Outer Southeast Community Plan. As discussed in the findings for Criterion 33.815.100 D, this proposal is generally consistent with these adopted area plans. Therefore, 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.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

CONCLUSIONS

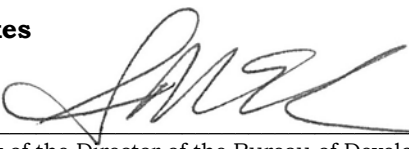
No significant impacts on the character or the livability of the open space area or the residential area are expected to occur from this proposal. The requested Conditional Use, to increase the existing enrollment by 24 students and to add two modular classroom buildings to the site, can be approved, according to the proposed site plans and elevation drawings.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review, to increase the enrollment for Lent School, by 24 students, to approximately 585 students. Approval also allows the addition of two modular classroom buildings, each approximately 1,792 square-foot in size, subject to general compliance with the approved site plans and elevation drawings, Exhibits C-1 through C-2, signed and dated April 5, 2011, and also is subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-114648 CU."

Staff Planner: Kathleen Stokes

Decision rendered by:  **on April 5, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 7, 2011

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 February 18, 2011, and was determined to be complete on **March 9, 2011**.

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 February 18, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: July 8, 2011.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 21, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **April 22, 2011 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

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

EXHIBITS

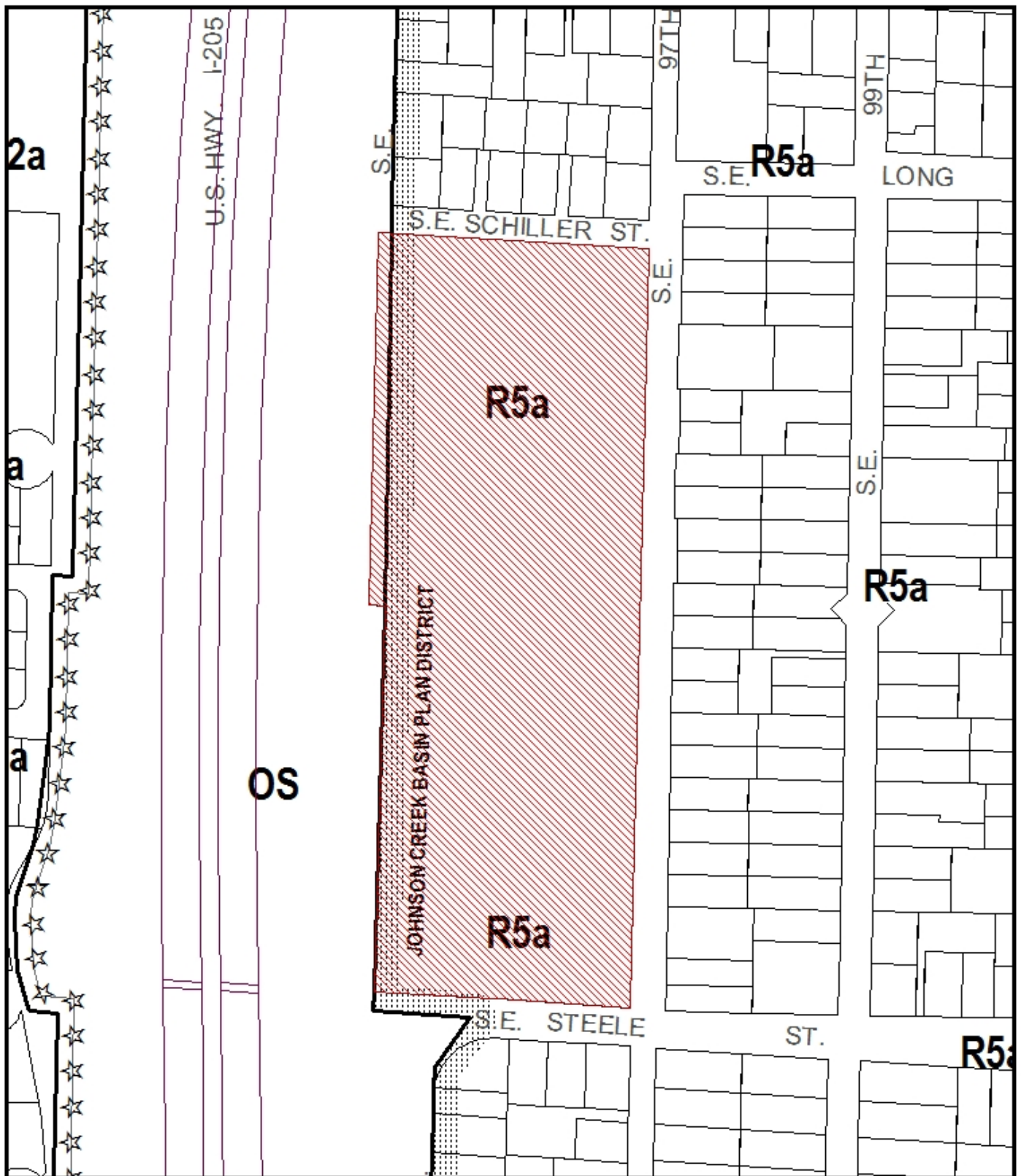
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application, narrative and plans
 - 2. Addendum, submitted March 8, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Life Safety Plan Review Section of BDS
 - 7. Summary of electronic responses from City agencies
- F. Correspondence:
 - 1. Jan Kerr, March 16, 2011

G. Other:

1. Site History Research

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



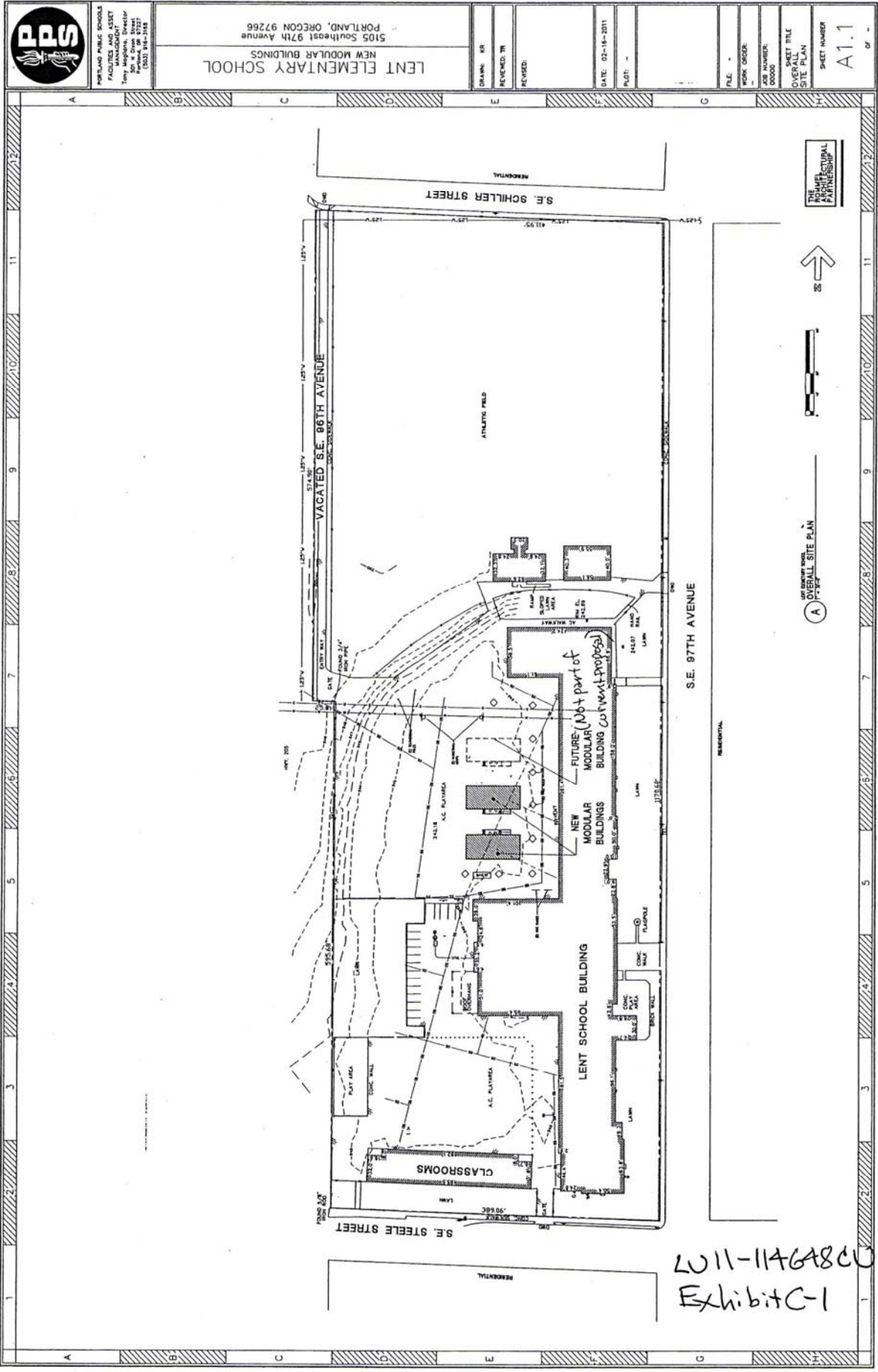
ZONING

 Site



NORTH

File No.	LU 11-114648 CU
1/4 Section	3540
Scale	1 inch = 200 feet
State_Id	1S2E16 100
Exhibit	B (Feb 28, 2011)



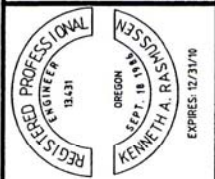
W11-114648CU

Approved
 City of Portland - Bureau of Development Services
 Planner *Kathleen A. Stokes* Date *April 5, 2011*
 *This approval applies only to the reviews requested and is subject to all other rules of approval. Additional zoning requirements may apply.

W11-114648CU
 Exhibit C-1

2010-BS-21-5

SHEET 10



28' x 64' MODULAR CLASSROOM
PORTLAND SD X
PORTLAND, OREGON

EXTERIOR ELEVATIONS

REV. # BY: DATE: PER: SHEETS:

LH 4/14/10 -

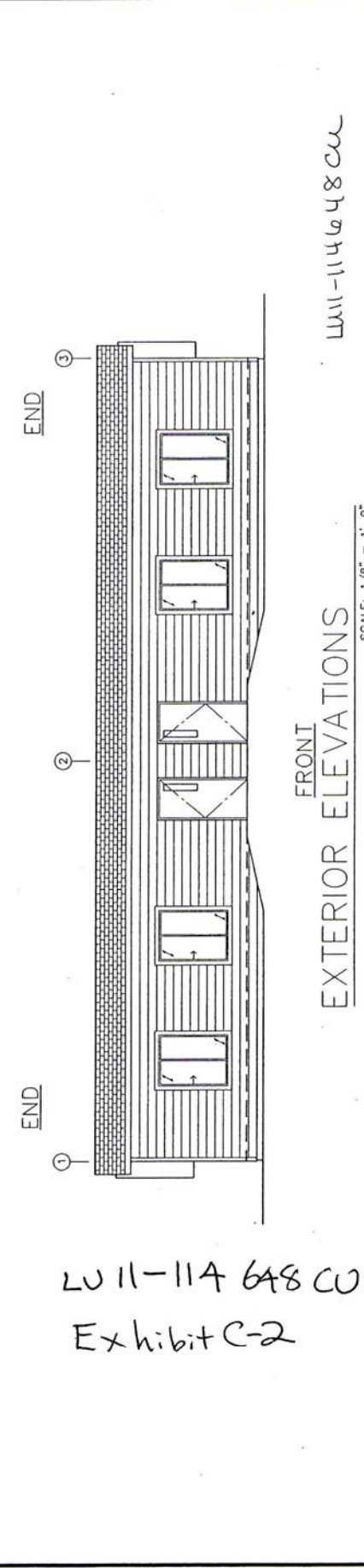
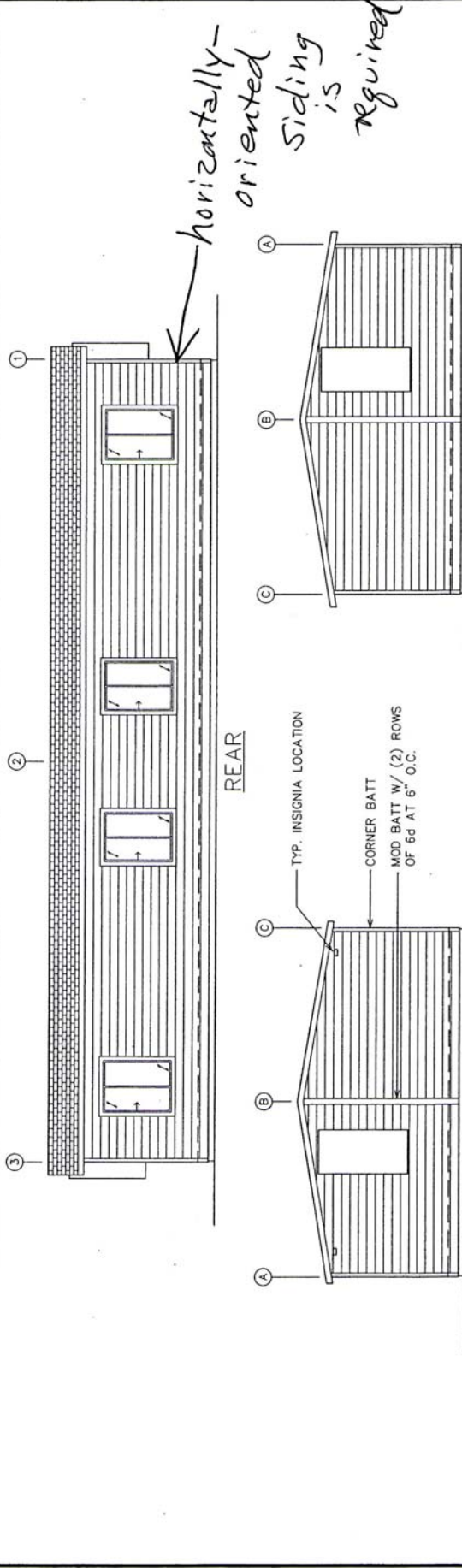
MODERN BUILDING SYSTEMS, INC.
TELEPHONE: (503) 749-4949 FAX: (503) 749-4950
P.O. BOX 110 • 9483 PORTER ROAD • AUNSVILLE, OR 97325
CHECK OUT OUR WEB PAGE: www.mbs-modular.com
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REUSE OF DOCUMENTS

EXTERIOR ELEVATIONS

REAR



Approved
City of Portland - Bureau of Development Services
For Kathleen A. Stokes Date April 5, 2011
This approval applies only to the reviews requested and is subject to any conditions of approval. Additional zoning requirements may apply.