



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** May 31, 2011  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 10-200934 CUMS**

#### **GENERAL INFORMATION**

**Applicant:** Steve Stenberg, Warner Pacific College  
2219 SE 68th Ave  
Portland, OR 97215-4026

**Representative:** Tom Wright, Group Mackenzie, Inc  
1515 SE Water Ave, Suite 100  
Portland, OR 97214

**Site Address:** 2219 SE 68TH AVE

**Legal Description:** BLOCK 1 S 55' OF N 110' OF LOT 2 EXC W 50', DRESSELS ADD; BLOCK 1 N 55' OF LOT 2 EXC W 50', DRESSELS ADD; BLOCK 1 LOT 3 EXC N 60', DRESSELS ADD; BLOCK 1 LOT 4, DRESSELS ADD; BLOCK 2 LOT 1 EXC E 62.9' S 30' OF LOT 2 EXC E 62.9', DRESSELS ADD; BLOCK 1 N 1/2 OF LOT 6&7, VAIL; BLOCK 1 S 1/2 OF LOT 6&7, VAIL; BLOCK 3 LOT 1&2, VAIL; BLOCK 3 LOT 3, VAIL; BLOCK 3 LOT 4, VAIL; BLOCK 3 LOT 10 N 10' OF LOT 11&12, VAIL; BLOCK 1 LOT 1 EXC PT IN ST, WARNER PACIFIC; BLOCK 1 LOT 2, WARNER PACIFIC; BLOCK 2 LOT 1, WARNER PACIFIC; BLOCK 2 LOT 2, WARNER PACIFIC; BLOCK 2 LOT 3 EXC PT IN ST, WARNER PACIFIC; TL 4300 0.45 ACRES, SECTION 05 1S 2E; TL 4100 0.82 ACRES, SECTION 05 1S 2E

**Tax Account No.:** R217300050, R217300070, R217300130, R217300190, R217300290, R853100160, R853100220, R853100610, R853100670, R853100700, R853100880, R879600010, R879600040, R879600070, R879600100, R879600140, R992050210, R992050860

**State ID No.:** 1S2E05CD 05800, 1S2E05CD 05700, 1S2E05CD 05600, 1S2E05CD 05200, 1S2E05CD 03800, 1S2E05CC 05500, 1S2E05CC 05600, 1S2E05CC 05200, 1S2E05CC 05100, 1S2E05CC 05000, 1S2E05CC 04500, 1S2E05CD 05900, 1S2E05CD 06000, 1S2E05CC 05300, 1S2E05CC 05400, 1S2E05CC 05800, 1S2E05CC 04300, 1S2E05CC 04100

**Quarter Section:** 3237

**Neighborhood:** Mt. Tabor, contact Bruce Treat at [bruce.treat@mttaborpdx.org](mailto:bruce.treat@mttaborpdx.org)  
**Business District:** Eighty-Second Avenue, contact Ken Turner at 503-484-6225.  
**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Zoning:** R2 (R2,000, Low Density Multi-Dwelling Residential), R1 (R1,000, Medium Density Multi-Dwelling Residential)  
**Case Type:** Minor Amendment to a Conditional Use Master Plan (CUMS)  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicants are requesting that additional time be granted for the master plan that was approved under LU 01-007687 (old number: LUR 01-00288). This approval expired at the end of 2010, but a Condition of Approval allowed Warner Pacific College to request an extension of the approved plan through 2013, if an analysis could be provided that showed that the transportation-related approval criteria could continue to be met. The applicant provided the required analysis for review by the City's transportation engineers and are now requesting that the approval of the master plan be extended. If the extension is approved, the proposed development and phases of the plan will remain the same as those that were approved under the original review except that the estimated times of the future development will not be included. This is because the original dates for the phases of proposed development all ended by 2010 and any projects for which permits have not been issued by the end of the extended approval, December 31, 2013, will need approval under a new review.

Development and phases that received conceptual approval in the 2001 master plan include:

Phase 1 a Three-story 50,000 SF Resource Center (Library), remove gravel feature on either side of 68th Avenue. As an alternative, parking in this phase will be reduced to remove proposed parking from the right-of-way of SE Caruthers Street, if a street vacation of the right-of-way is not obtained prior to the beginning of this phase. In this case, a net increase of ten parking spaces would be added, rather than 34 spaces. (This alternative was shown in the approved plan for the alternative for Phase 1a).

Phase 1 b Alternative for an addition to CC Perry Gymnasium: two-story 33,500 SF addition with 26 parking spaces below a cantilevered portion of the second floor, and 39 spaces to the north of the addition. If this alternative is chosen by the college, the original proposal for the gymnasium addition, described in Phase 2 below, would not be included in the college development plans. This alternative would also reconfigure the parking area originally included in Phase 2, with a net increase of 56 parking spaces between Phases 1b and 2. (This alternative was shown in the approved plan for Phase 1b).

Phase 2 Three-story 51,510 SF classroom building, and original proposal for two-story 19,400 SF addition to CC Perry Gymnasium. The original plan to redevelop the main parking area in the southeast corner of campus created a net increase of 49 new parking spaces. The revised plan indicates a net increase, between Phase 1b and the classroom building in Phase 2, of 56 new spaces. Phase 2 also includes a transit station on SE Division.

Phase 3 Two-story, 28,108 square-foot addition to A.F. Gray Administration Building, no changes in parking for this phase.

Phase 4 Two and one-half-story 11,000 SF addition to Warman Hall for addition of 22-student residence rooms, net increase of seven new parking spaces.

Phase 5 Three-story 14,025 SF addition to the Otto F. Linn Building for a student center and dining facility, no changes in parking for this phase.

Nonconforming upgrades would be made to the campus, according to the schedule that was approved under LU 01-007687 and amended under LU 08-103723 CU AD, and meeting the requirements of 33.258.070 D.2, to spend up to a maximum of 10% of the permit fees for

each project, for upgrading nonconforming development. An allowance was made that did not require any nonconforming upgrades within the development areas for future phases. As a part of Phase 5, all remaining nonconforming development on the campus was to be upgraded, regardless of the permit value of that phase.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33. In this case, the relevant approval criteria are those that are indicated in Condition J.4 of the original Conditional Use Master Plan approval, LU 01-007687:

*The proposed modification to the approved Phasing Schedule will be approved if the following requirements are met,*

- a. Associated nonconforming development upgrade requirements are reordered to reflect the change in phasing, and*
- b. Adequate parking will be provided to meet the demand created by the proposed development.*

## ANALYSIS

The Warner Pacific College campus consists of numerous parcels, with a combined area of about 14 acres. The campus is located on the north side of SE Division Street and extends, west to east, from a midblock area to the west of SE 66<sup>th</sup> to the west side of SE 70<sup>th</sup> Avenue. One parcel also is located on the east side of SE 70<sup>th</sup>. To the north, the property slopes uphill, with the campus boundary abutting Mt. Tabor Park, approximately 630 feet north of SE Division Street.

The site is developed with classroom buildings, residential structures, a gymnasium, administrative building, chapel, miscellaneous accessory structures, and surface parking areas. A number of significant, mature trees are located on the grounds, mainly concentrated on the southwest portion of the campus. A terraced, hillside lawn area, located between the chapel and the A.F. Gray administration building, serves as the main commons area for the school. In 2008 there were 369 existing auto parking spaces, located in several parking areas throughout the campus and 14 bicycle parking spaces. Four spaces were approved for removal, leaving 365 auto parking spaces. No further change to these numbers has been reported for this current review.. *(A small number of these reported existing spaces are located within the undeveloped right-of-way of SE Caruthers Street, and so are not technically considered to be on-site.)* A fire lane provides emergency access from the northern parking area, through the east side of the campus, to the parking area in the southeast corner on Division Street. The Number 4, Division, bus route has a stop that is located in front of the school, on SE Division Street, near the intersection of SE 68<sup>th</sup> Avenue.

The majority of the area to the south and east of the college is developed with residential uses. The existing development includes a mix of single and multi-dwelling structures. A small neighborhood commercial area, which includes a service station and convenience store is located across from the campus, on the south side of Division, between SE 66<sup>th</sup> and 68<sup>th</sup> Avenues. Mt. Tabor Park is located to the north, on the hillside that abuts the campus boundary. Portions of the western boundary of the campus abut additional City owned property that houses "Mt. Tabor Yard," the central maintenance facility for Portland Parks and Recreation. Farther to the west, is a multi-dwelling complex for senior residents, developed on a former public reservoir site.

**Zoning:** This site has "split zoning," which means that there are different zoning designations on different portions of the site. A portion of the site along SE Division Street, between SE 66<sup>th</sup> and SE 68<sup>th</sup> Avenues is zoned R1, Medium Density Multi-dwelling Residential. Another portion of the site, including lots on the west side of SE 70<sup>th</sup> Avenue, and one part of a lot on the east side of the same street, is zoned R5, High Density Single-Dwelling Residential, with an Attached Residential (R2.5) Comprehensive Plan Map Designation. The remainder of the parcels on the site are zoned R2, Low Density Multi-dwelling Residential.

Institutional Uses are allowed in the residential zones, when approved as Conditional Uses. Improvements for the Institutional Uses on these sites are subject to special development standards, found in Sections 33.110.245, and 33.120.275. These standards 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.

**Land Use History:** City records include numerous prior land use reviews, including several from the 1960s and 1970s for various improvements to the college. Following is a list of these reviews:

CU 004-61	CU 29-73
CU 55-63	CU 15-74
CU 64-64	V 24-75
CU 48-67	CU 73-79

Details on these reviews can be found in the 2001 master plan decision report. Other previous land use reviews for the site include:

**CU 10-83** 1983 Conditional Use approval for construction of an addition to the president's residence at Warner Pacific College

**S(m) 17-89** 1989 application for 5-lot minor subdivision. No other information available.

**LUR 91-00140 CU** 1991 Conditional Use approval to construct a chapel and 21 space parking lot,

**LUR 93-00151 AD** 1993 approval of Adjustment requests, for a residential property at 2342-2348 SE 70<sup>th</sup>, that was acquired by the college, to 1) reduce the number of on-site parking spaces from the required 5 to 3, and 2) increase the allowed density for the site from the 4 to 5 dwelling units in order to add a new unit in the basement.

**LUR 99-00303 CU AD** 1999 Conditional Use approval to allow a wireless communication facility mounted on the roof of the Perry Gymnasium building and associated equipment cabinets to be located at the base of the building, and approval of an Adjustment to reduce the landscape screening requirement for ground level equipment from 10 feet in depth, at the L3 standard, to a 6-foot-high masonry wall, with no additional plantings. Approvals were subject to the approved plans and conditions that regulated the appearance of the facility.

**LUR 01-00288 CUMS (LU 01-007687)** 2001 Conditional Use Master Plan, approved in 2003, for phased development on the Warner Pacific campus. The approval was subject to expire at the end of 2010, due to lack of evidence that the transportation system would be adequate to support the proposed growth beyond that date. The approval allowed for an extension through 2013, if a submittal for an amendment was made by the end of 2010 that included an updated traffic impact analysis that showed that the transportation system would still be capable of meeting the demands placed upon by the college, in addition to the other uses in the area.

Adjustments were also approved

- To waive the Transit Street Setback requirements for the demolition of existing structures and the proposed additions to existing buildings on campus and
- To allow the Alternative Sign Standards for Campus Gateway Features, as indicated in the Warner Pacific College Development Standards, and incorporating the retention of development rights for the existing signage at the Early Learning Center.

Approvals were based on the proposal as described in Exhibits A. 1-11 and as reflected on the approved Site Plans, Exhibits C. 1-12, and subject to the conditions that addressed requirements for permit submittals and copies of the approved master plan and also:

- C. Approval of vacation of the portion of SE Caruthers, east of SE 66<sup>th</sup> Avenue is required before building permits can be approved for a plan for the library/resource center that

- includes parking within the Caruthers Street right-of-way. If the applicants wish to proceed with construction of the library/resource center without approval of a street vacation for SE Caruthers, the alternative parking plan (Exhibit C-12) must be used.
- D. The Amended Warner Pacific Development Standards (Exhibit A-11) are adopted as a part of approval of this Conditional Use Master Plan. Future development on campus is subject to these standards, under the review procedures outlined in Condition J, below.
  - E. On-site parking must be provided with each phase of development, as described in the proposal for the Master Plan. The college is to make every effort to discourage students from parking in the residential area on SE 70<sup>th</sup> Avenue.
  - F. Future development on the Warner Pacific College campus must be located so that existing trees, shown on the Tree Survey (Exhibit C-10), are preserved, if at all possible, within the constraints of meeting Title 33 and Building Code requirements. This Condition allows flexibility on the placement and configuration of conceptually approved buildings and other structures and development, within the defined phasing areas, in order to preserve existing trees. Landscape plans are required for building permit submittals for each project and must indicate existing vegetation that will remain, as well as proposed new plantings. The Landscape Plan must also incorporate information on tree preservation and a plan for tree protection that meets the requirements of 33.248.065 and 068.
  - G. Access for Fire Bureau emergency vehicles and distance to hydrants for both sprinkled and unsprinkled buildings must meet Policy B-1 requirements, at each phase, before building permits for that phase are approved.
  - H. Street improvements are required, according to the timeline and specifications required by the City Engineer. The applicant will be required to dedicate an additional 4-feet of ROW to achieve a 12-foot-wide sidewalk corridor that includes a full 6-foot-wide pedestrian walkway and street trees on SE Division Street. Proposed improvements in the right-of-way on SE 68<sup>th</sup> Avenue are not a part of this approval and require approval through a separate process with Portland Transportation.
  - I. Stormwater management for each phase must meet the requirements of the City's Stormwater Management Manual that is in effect at the time of application for building permits and must be approved by the Bureau of Environmental Services and the Bureau of Development Services.
  - J. Future development on the Warner Pacific College campus will be subject to the following review procedures for the life of this Master Plan:
    1. Development that received conceptual approval through the Conditional Use Master Plan Review is not subject to further land use review, provided that the development complies with all Conditions of Approval, meets all relevant Development Standards of Title 32 and Title 33, except as adjusted through this review, and also meets the approved Warner Pacific Development Standards.
    2. Any future development that does not meet the approved Warner Pacific Development Standards, but otherwise meets the requirements listed above, can seek approval through a Type I Conditional Use Review. The burden of proof for approval of the review shall be limited to meeting Criterion 33.815.105 B and demonstrating that the proposal is generally compatible with the design of existing campus development.
    3. Development proposals that received conceptual approval through the Conditional Use Master Plan or that otherwise do not require Conditional Use Review do not require concurrent Conditional Use Review or Master Plan Amendments if they include requests for Adjustments to Titles 32 and 33.
    4. Development that received conceptual approval through the Conditional Use Master Plan Review, but that does not meet the approved phasing schedule can be approved through a Type I Master Plan Amendment, intended only for the purpose of modifying the approved phasing schedule. This includes requests that would extend the life of the plan up to the end of 2013. An updated Traffic Impact Study must be presented to Portland Transportation for their review at least 30 days prior to application for the review. The Approval Criteria for this review shall be as follows:

*The proposed modification to the approved Phasing Schedule will be approved if the following requirements are met,*

*Associated nonconforming development upgrade requirements are reordered to reflect the change in phasing, and Adequate parking will be provided to meet the demand created by the proposed development.*

5. Any future development proposal that has not received conceptual approval as a part of this Master Plan Review or that does not comply with the conditions of approval or other aspects of the approved Master Plan will be reviewed as follows:
  - a. Projects that are 100 feet or less from SE Division St. or 50 feet or less from other perimeter property lines shall be reviewed through a Major Master Plan Amendment, if the project increases the floor area, parking area, numbers of staff or students, or vehicle trips by more than 10%, or through a Minor Master Plan Amendment, if the increase is 10% or less.
  - b. Projects that are interior to the site (more than 100 feet from SE Division St. or more than 50 feet from other perimeter property lines) shall be reviewed through a Type III Conditional Use Review if the project increases the floor area, parking area, numbers of staff or students or vehicle trips by more than 10%, or through Type II Conditional Use, if the increase is 10% or less.
  - c. The exception allowed in Title 33, Portland Zoning Code, Section 33.815.040 B.1 will still apply, allowing individual buildings or additions that are less than 1,500 square feet without review as a Master Plan Amendment or Conditional Use. In addition to the Code exception, increases in exterior development, such as walkways, that are associated with these small development projects are also exempt from further review requirements.
6. Final occupancy approval will not be granted for any proposed development until the related nonconforming upgrades have been completed. Deferment of nonconforming upgrade requirements for a particular development phase will expire if an application has not been made for building permits by the end of the last starting date of the next subsequent phase. Requests for changes to the approved plan for nonconforming upgrades will be reviewed as a Type II Conditional Use and Adjustment Review.

**LUR 02-126623 CU AD** Approval of 2002 Conditional Use request to allow installation of two rooftop PDS panel antennas on the A.F. Gray Hall administrative building, operating at no greater than 100 watts ERP, and also approval of an Adjustment to eliminate the required 10-foot deep landscaped buffer to the L3 standard around the ground-mounted accessory equipment, based on substantial conformance with the approved plans (Exhibits C-4 through C-7) and subject to conditions for submittal of plans and

- B. All visible mounting or accessory equipment on the roof of the building must be painted either a matching, matte brick red color, a dull, matte light gray color, or a dull, matte dark brown or green color;
- C. The 7-foot wooden fencing around the perimeter of the at-grade mechanical equipment enclosure must meet the F-2 - Fully Sight-Obscuring fencing standard of Chapter 33.248 - Landscaping and Screening;
- D. The northern and western edges of the at-grade mechanical equipment enclosure must be surrounded with enough shrubs to form a vegetative screen at least six feet high within three years of planting (as indicated by Final Inspection approval of the relevant building permit); and
- E. Due to the close proximity of Mt. Tabor Park, the shrubs planted around the equipment enclosure in conformance with Condition D, above, must be a native species selected from the Portland Plant List. A list of appropriate shrubs has been attached to this decision.

The decision also noted that substantial conformance was meant to include at least the following:

- Maximum height and size of rooftop antennas and equipment mounting;
- Location and number of antennas; and

- Size and location of at-grade mechanical equipment.

**LU 08-103723 CU AD** 2008 approval of Conditional Use Review for development that was not contemplated under the 2001 master plan. This development consisted of three additions, for improvements to Egtvedt East, Egtvedt West and McGuire South, with a cumulative floor area of 12,000 square feet. Removal of four parking spaces and the temporary use of two modular buildings during construction and a revised schedule for upgrading nonconforming development (amending Condition of Approval J.6 of LU 01-0017687, aka LUR 01-00286) were also approved. This review also approved two Adjustments:

- To amend the phasing schedule for upgrades to nonconforming development by removing the dates from the phasing and allowing the upgrades to accompany each development phase, up to the Code-stated maximum of 10% of the project value, whenever each phase of the development occurred. A specific proposal for upgrades that would occur with the proposed development for the 2008 review was specified and the adjustment requested that this proposal for upgrades be considered adequate to accompany these development projects, even if the proposed upgrades were less than 10% of the project value.
- To waive the maximum Transit Street Setback standard for the additions proposed in the 2008 review.

These approvals were subject to conditions that included requirements for permit submittals and the following requirements:

- B. The proposed additions and the construction management area must be located so that existing trees, shown on the Tree Survey (Exhibit C-10), are preserved, if at all possible, within the constraints of meeting Title 33 and Building Code requirements. Landscape plans are required for building permit submittals and must indicate existing vegetation that will remain, as well as proposed new plantings. The Landscape Plan must also incorporate information on tree preservation and a plan for tree protection that meets the requirements of 33.248.065 and 068.
- C. Street improvements are required, according to the timeline and specifications of the City Engineer. At this time, the anticipated requirements include dedication of an additional 4-feet of ROW to achieve a 12-foot-wide sidewalk corridor that includes a full 6-foot-wide pedestrian walkway and street trees on SE Division Street.
- D. A nonconforming upgrade plan must accompany each development proposal that is submitted. Final occupancy approval will not be granted for any proposed development until the related nonconforming upgrades have been completed for that phase area. Requests for changes to the approved plan for nonconforming upgrades will be reviewed as a Type II Conditional Use and Adjustment Review. This condition amends Condition J.6 of LU 01-007687 (LUR 01-00288) for all development for the Warner Pacific campus, including the development that was conceptually approved in the 2001 Master Plan. Other Conditions of Approval of the Master Plan continue to apply to the development that was proposed and approved in the 2001 review.
- E. The proposed modular buildings must be removed from the site within one month of the time that final occupancy is approved for the proposed additions. Removal of the modular buildings will not trigger a situation where the site is moving further out of compliance with the Maximum Transit Street Setback Standard. The proposed additions to the existing buildings are subject to the Warner Pacific Development Standards, adopted in the approval of LU 01-007687 (LUR 01-00288). The two modular buildings are not subject to these standards.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **March 21, 2011**. The following Bureaus have responded with no issues or concerns regarding approval of this proposal. Agencies that provided written comments are noted with exhibit numbers:

- Environmental Services provided information on sanitary service and storm water management requirements for eventual submittals for building permits (Exhibit E-1).

- Transportation Engineering agreed with the analysis provided by the applicant that shows that the transportation system would be adequate to support the proposed uses and development through 2013 (Exhibit E-2).
- Water Bureau provided information on water service that is available on the campus (Exhibit E-3).
- Fire Bureau noted that plans for building permit submittal must meet all fire codes requirements (Exhibit E-4).
- Site Development Section of BDS provided an electronic response of “no concerns.”
- Life Safety Plan Review Section of BDS provided general information on requirements for building permit submittals (Exhibit E-5).
- Parks-Forestry Division provided an electronic response of “no concerns.”

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 21, 2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

The original master plan review, which was approved under LUR 01-00288 CUMS (LU 01-007687). The current proposal is to modify the approved phasing schedule for development and nonconforming upgrades and to extend the allowed time frame of the master plan approval through the end of 2013. This request is allowed to be considered, in accordance with Condition J.4. of the original master plan approval. That condition stipulated that the phasing of the Master Plan can be modified by a Type I Master Plan Amendment. *“This includes requests that would extend the life of the plan up to the end of 2013. An updated Traffic Impact Study must be presented to Portland Transportation for their review at least 30 days prior to application for the review.”*

*The Approval Criteria for this review shall be as follows: The proposed modification to the approved Phasing Schedule will be approved if the following requirements are met,*

- Associated nonconforming development upgrade requirements are reordered to reflect the change in phasing, and*
- Adequate parking will be provided to meet the demand created by the proposed development.”*

**Findings:** Nonconforming development on the campus will be improved in conjunction with each development project for which building permits are issued, up to a cost of 10% of the valuation of the permits, throughout the remaining life of this master plan. The phasing of the development may occur in any order, without any detrimental impact on the surrounding area. This is in keeping with the approval of 08 103723 CU AD, which required a nonconforming development plan to be submitted for each project. Due to this amendment to the original master plan approval, nonconforming upgrades will no longer be vested under the code that was in effect when the original approval was granted and will, instead be subject to the Code that was in effect on March 17, 2011, when this current review was deemed to be complete. (Please see the section below on Development Standards, for more details on regulations regarding vesting).

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.

It is understood the current Type I request will allow extension of the master plan, for purposes of transportation issues, through 2013. The applicants have provided an updated transportation analysis (TIA) prepared by Group Mackenzie dated May, 1, 2010.

As demonstrated by the findings of the TIA, all study intersections along SE Division Street are forecast to operate adequately at the end of the three-year master plan extension period, even with full build out of the Warner Pacific campus. Therefore, the approved master plan can be extended for the requested three year period through 2013 without necessitating



additional transportation mitigation measures beyond those already required for the individual development phases.

Parking for the campus will be provided in accordance with previously approved development plans. Approval of this current review will only extend the lifetime of the previous approval through 2013.

**CONCLUSION:** The proposal has been found to meet all the approval criteria that were outlined in the original approval for the requested extension of the Master Plan through 2013.

## **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.

## **IMPLEMENTATION OF VESTING REGULATIONS**

### **1. Projects approved through a land use review are *vested*.**

Based on the above language, a building permit that is submitted for a project that was reviewed and approved through a land use review is only subject to the regulations in effect when a complete land use review application was submitted. This would include the review of any required nonconforming upgrades triggered by the value of the project.

### **2. Projects needing a new land use review must meet the *current code*.**

Any project that requires a new land use review must comply with the code regulations in effect at the time the application for the new land use review is submitted.

For example, a college may have an approved Conditional Use Master Plan, valid for ten years, which does not include a building that they now propose to build. If the proposal for the building requires a major or minor amendment to the Master Plan or a new Conditional Use Review, then the proposal must comply with the code in effect at the time the amendment is submitted. *In addition, the nonconforming upgrades triggered by the proposed development are also subject to the code in effect at the time the amendment is submitted.* Since nonconforming upgrades are applied to development on the entire site, it is possible that development (for example, a parking lot) that was vested at the time it was built will now be subject to the current code, and may require upgrades.

### **3. On sites with an existing Master Plan, projects that do not require a land use review are *vested*.**

Projects that do not require a new land use review, such as interior alterations to existing buildings shown on the Master Plan, are vested in the code in effect when the Master Plan was submitted.

**Because this land use review amends the previous master plan approval, the current Code development standards, including those for nonconforming upgrades apply, in accordance with the procedures approved in this review.**

## **CONCLUSIONS**

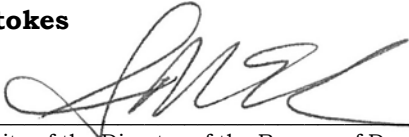
The requested Amendment to the Conditional Use Master Plan for Warner Pacific College meets all of the relevant approval criteria. A plan was proposed for upgrades to nonconforming development that is acceptable for the development that may occur through the end of the master plan approval. The applicant was able to show that the transportation system is capable of supporting the proposed uses through 2013.

**ADMINISTRATIVE DECISION**

Approval of an Amendment to the Warner Pacific College Master Plan (LU 01-007687 CU MS AD and also to LU 08-103723 CU AD) to extend the approvals through December 31 (or the last business day) of 2013, removing the proposed start and end-dates of the development phases and approving the proposed project-by-project plan for nonconforming upgrades, in general compliance with the approved site/phasing plan, Exhibit C-1, signed and dated May 26, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the four 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 10-200934 CUMS " All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Relevant conditions of approval for previous, post-1981 land use reviews, including LU 01-007687 CU MS AD and LU 08-103723 CU AD still apply.

**Staff Planner: Kathleen Stokes**

**Decision rendered by:**  **on May 26, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 31, 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 December 15, 2010, and was determined to be complete on **March 17, 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 December 15, 2010.

*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 16, 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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be **recorded on or after May 31, 2011.**

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.

**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:

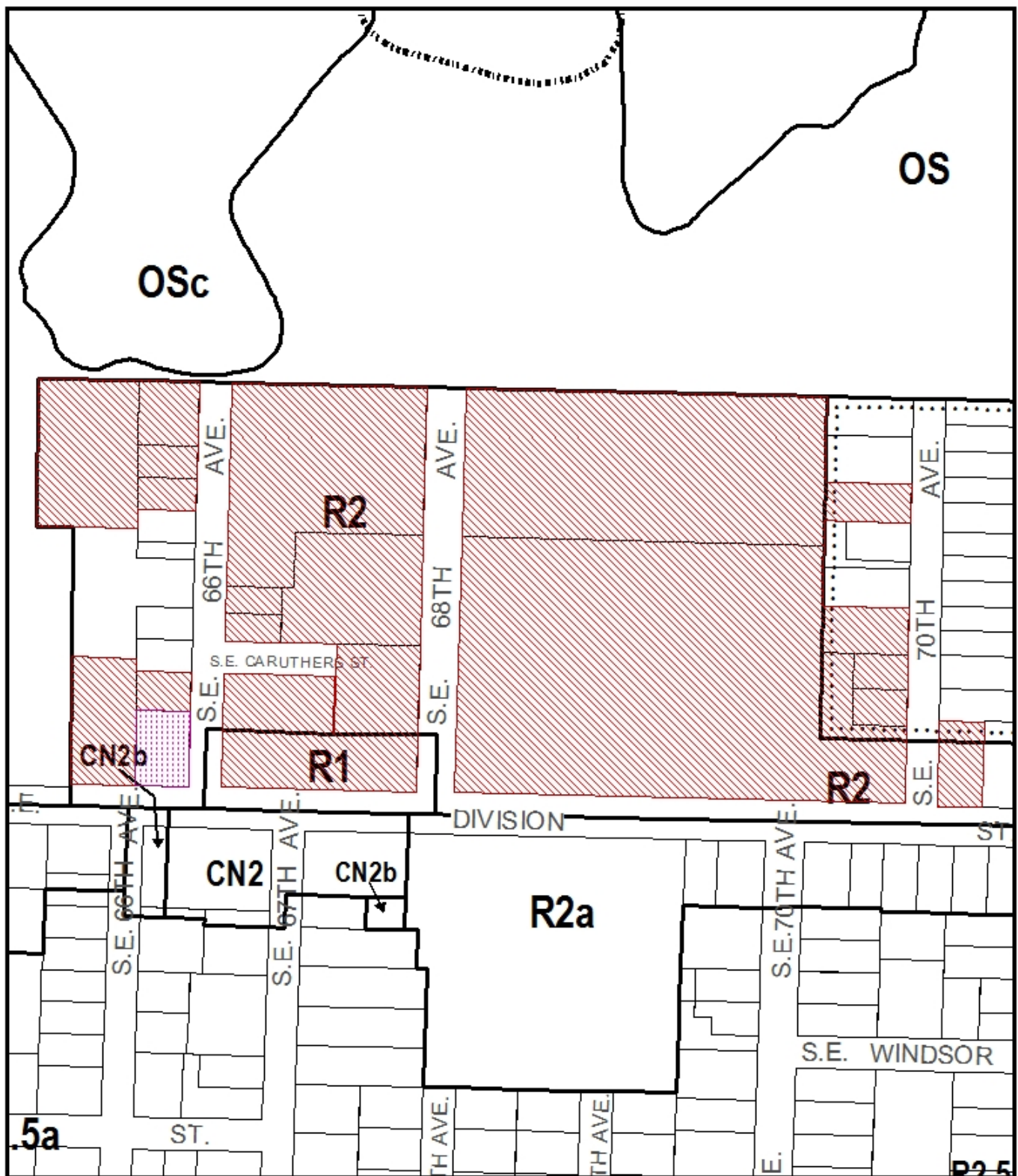
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Application and original submittal
  - 2. Supplemental information, dated March 10, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Life Safety Plan Review Section of BDS
  - 6. Summary of electronic responses from City agencies
- F. Correspondence: (none received)
- 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
-  Also Owned



File No. LU 10-200934 CUMS  
 1/4 Section 3237  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E05CD 5900  
 Exhibit B (Mar 17, 2011)

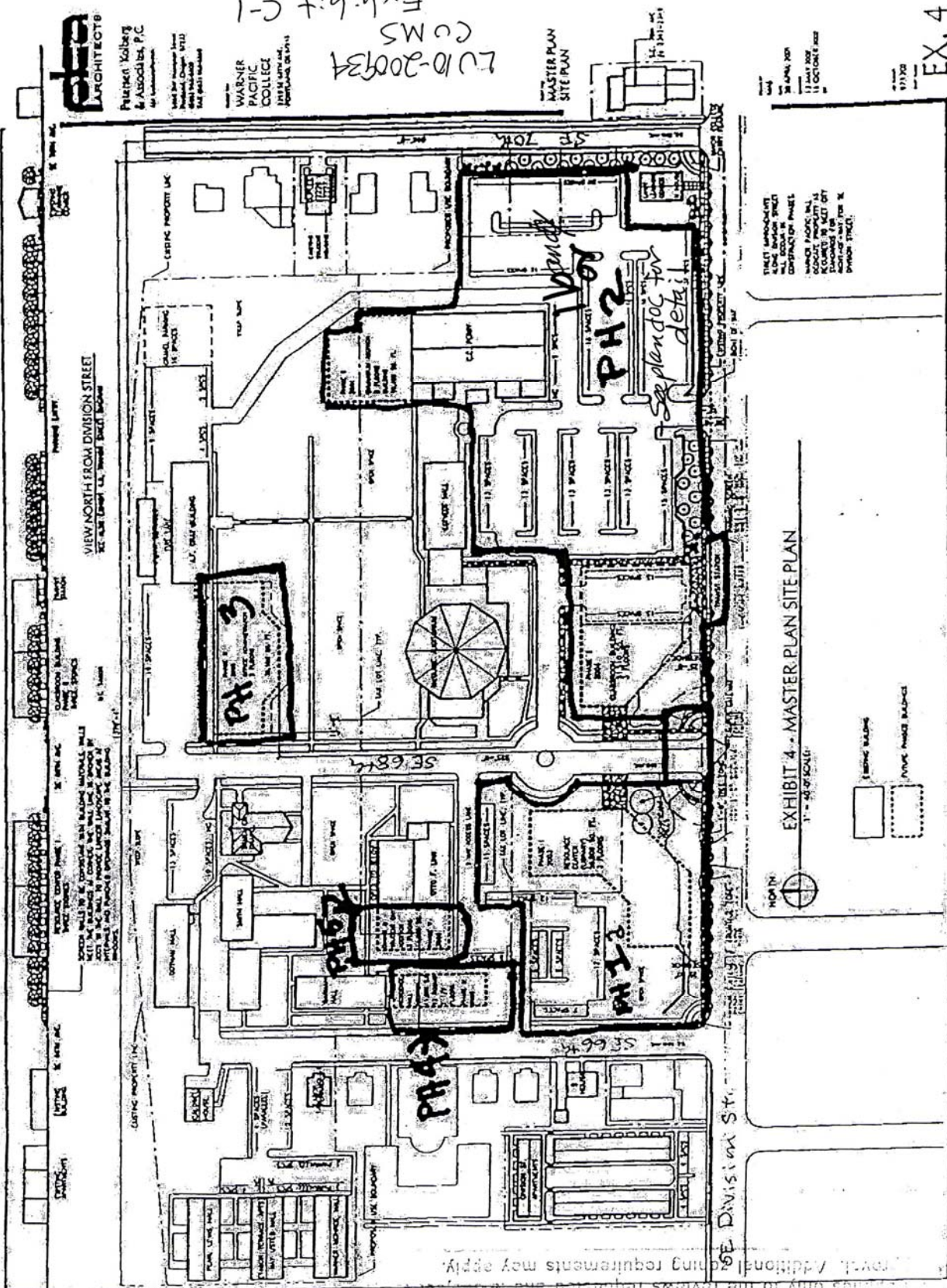


\*Approved\*

City of Portland - Bureau of Development Services

Reviewed by: *Kathleen A. Stolar* Date: *May 26, 2011*

Notes: Additional zoning requirements may apply.



LU 10-200934  
CUMS

Warner Pacific

EX. 4

LU 10-200934  
CUMS  
Exh. 6: + C-1

**ARCHITECTS**  
PETERSEN VOLBERG  
& ASSOCIATES, P.C.  
1000 NE Oregon Street, Suite 1000  
Portland, Oregon 97232  
Tel: 503.228.1100  
Fax: 503.228.1101

WARNER  
PACIFIC  
COLLIER  
INTERNATIONAL  
ARCHITECTS

STREET LANDSCAPE  
DESIGN  
CONSTRUCTION PHASE  
11 MAY 2009  
11 OCTOBER 2009

EXHIBIT 4 - MASTER PLAN SITE PLAN  
1" = 40'-0" SCALE

LEGEND  
EXISTING BUILDING  
PROPOSED BUILDING