

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100 Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347 web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.:

LU 12-216918 CU AD

HO 4130009

Applicant:

Ryan Schera, Group Mackenzie

1515 SE Water Avenue #100

Portland, OR 97214

Property Owners:

School District No. 3

Attn: Mary Larson

10636 NE Prescott Street Portland, OR 97220-2648

Irene A. Rossi

3701 NE 122nd Avenue Portland, OR 97230-1356

Applicant's

Representative:

Gordon Odette

Heery International

9600 SW Barnes Road, Suite 320

Portland, OR 97225

Hearings Officer:

Gregory J. Frank

Bureau of Development Services (BDS) Representative: Kathleen Stokes

Site Address:

11800 NE Shaver Street

Legal Description:

TL 700 4.99 ACRES, SECTION 22 1N 2E; TL 200 8.19 ACRES,

SECTION 22 1N 2E; TL 300 2.06 ACRES, SECTION 22 1N 2E; TL 100 1.11 ACRES DEFERRAL-POTENTIAL ADDITIONAL TAX, SECTION

22 1N 2E; TL 1600 1.41 ACRES, SECTION 22 1N 2E

Tax Account No.:

R942220420, R942220430, R942220460, R942220540, R942220650

State ID No.:

1N2E22DD 00700, 1N2E22DD 00200, 1N2E22DD 00300, 1N2E22DD

00100, 1N2E22DA 01600

Quarter Section:

2642

Neighborhood:

Parkrose Neighborhood Association

Business District:

Parkrose Business Association

District Coalition:

East Portland Neighborhood Office

Zoning:

R7 (R7,000, Medium Density Single-dwelling Residential), R3 (R3,000,

Townhouse Multi-dwelling Residential), CG (General Comercial), h

(Aircraft Landing or height restriction Overlay)

Land Use Review:

Type III, Conditional Use Review, Adjustments to Title 32 and Title 33

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:29 p.m. on May 1, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:32 p.m. The record was closed at that time.

Testified at the Hearing:

Kathleen Stokes Ryan Schera

Proposal: Applicant is proposing construction of a new, 134,261 square-foot middle school building (the "School Building"), with a capacity for 1,000 sixth through eighth grade students on property described above (the "Site"). The School Building will be located in the southwest corner of the existing 16.6-acre middle school campus and after completion, the existing building, which was constructed in 1963, is proposed to be removed. Two modular classroom buildings, with two classrooms in each building, will be placed on a portion of the parking lot, which will temporarily displace 20 parking spaces. The classrooms will be for use only until the new building is completed, projected to be June 2014, when they will also be removed. Applicant agreed to a condition of approval requiring the modular classrooms and existing middle school building to be legally demolished by July 2, 2016.

The proposal also includes new sports fields, including a track and a lighted recreational field with a PA system to accommodate organized sports activities, which would be located in the northern portion of the campus, adjacent to NE Shaver Street. Field lighting is proposed to be restricted to end at 9:30 PM, Sunday through Thursday and 10 PM on Friday and Saturday evenings, with any events to be scheduled to end one-half hour before the lights are turned off, in order to allow time for clean up. A parking lot that would accommodate up to 95 vehicles (after the modular classroom

buildings are removed), is being proposed in the area between the school building and the proposed football field and track.

The proposal requires approval of a Type III Conditional Use review, based on the new floor area, the parking area and the new lighted field for organized sports.

Applicant is also requesting approval of an Adjustment to Title 33, Code Section 33.120.220, to waive the maximum 20-foot Transit Street Setback from NE Shaver Street, in the R3 zone. (Applicant is also asking to waive the maximum setback in the R7 zone, but the Code allows this request to be made in the single-dwelling zones as a part of the Conditional Use Review and does not require approval of an Adjustment).

A second Adjustment is being requested to Title 32, Section 32.32.020, to increase the allowed height for a freestanding, lighted monument ("pylon") sign, from 15 feet to 19 feet, 6 inches. The sign would have a message face surface of 34.7 square feet and will be backlit. The message will include the school name and street address number. A reader board section will allow different messages to be posted with four lines of text. A wind turbine which generates the electricity for the light in the sign will cap the concrete column that supports the sign. The top of the sign face will be 14 feet, 8 inches. The wind turbine adds the additional 4 feet, 10 inches.

Approval Criteria: Conditional Use - 33.815.105 A-E, Institutional and Other Uses in R Zones. Adjustments- Title 33, 33.805.040 A-F; Title 32, 32.38.030.

II. ANALYSIS

Site and Vicinity: The Site is comprised of several tax lots, which will contain a total area of about 16.6 acres, after the addition of the 15,370 square-foot parcel in the northeastern corner of the campus, that is in the process of being obtained from the adjacent property owner. The Site is developed with the existing middle school facility which was constructed in 1963. The buildings are located in the north central portion of the Site. The remainder of the campus includes an expansive parking area, in the northwest corner, tennis courts immediately to the south of the parking area, a baseball diamond and other playing fields and open area to the southeast of the school building, and a track in the far south portion of the campus. Access is provided to and from NE Shaver Street, by a one-way, U-shaped driveway, that is located in the far northwest corner of the Site.

The Site is directly across the street from the Parkrose High School which has a campus that covers about 40.6 acres on the north side of NE Sacramento Street. To the east, between the middle school and NE 122nd Avenue, is Rossi Farms, which has been a continuing farm operation since 1880 and often hosts community events. West and south of the Site, there are built-out subdivisions with single-dwelling residences. East of the middle-school track and south of the R3-zoned portion of the campus, are the Garden Crest Apartments, which were constructed in 1990, under permits approved for 65 units, in 4 to 6-unit structures, laid out in a development with clustered buildings, parking and natural areas, that include gardens, walks, a clubhouse and spa.

Zoning: The majority of the site is zoned R7, or R 7,000, Medium Density Single-Dwelling Residential. This zone designation is intended for areas with adequate public services but minor development constraints. Single-dwelling residences are representative of the primary use in this zone. The maximum density is generally 6.2 units per acre or an average of one lot for every 7,000 square feet.

The far eastern portion of the Site is zoned R3, or R 3,000, Townhouse Multi-Dwelling Residential. The R3 zone permits a mixture of housing types of a single-dwelling character including multi-dwelling structures that also have this character. The zone generally allows a maximum density of 14.5 dwelling units per acre.

Institutional uses are allowed in the R zones when they are approved as Conditional Uses. Special development standards for institutions in the single and multi-dwelling zones ensure that the development will maintain compatibility with and limit the negative impacts on surrounding residential areas.

A portion of the Site is designated as CG or General Commercial. CG is a zone designation that allows a full range of commercial uses having a local or regional market. Development will mostly have an auto-orientation, but also along streets where high quality transit service is available, development will also be oriented to pedestrians, bicycles, and transit. (This CG-zoned area is a portion of the lot that extends east to NE 122nd Avenue and belongs to the Rossi Family. Currently, a Property Line Adjustment, PR 13-116902, which will separate out this portion of the lot, as well as a portion of the lot that is in the R3 zone, is approved and pending recording, so that the school district will own only the part that is directly to the north of the R3 property that they currently own. The CG-zoned portion of the lot will be retained by the Rossis, so it is not part of this project area).

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

61-100209 (MCF 11-61CS) 1961 approval of a junior high school.

93-010476 (LUR 93-00477) 1993 approval of the addition of two modular classroom buildings to the Site.

Agency Review: A "Request for Response" was mailed March 14, 2013. The following Bureaus responded with no issues or concerns. Agencies that provided details in written responses are noted with exhibit numbers and are summarized below.

• Bureau of Environmental Services ("BES") provided information on sanitary sewers and storm water management requirements. The response noted that services are adequate for this proposal and commented on the preliminary studies and plans that were submitted for the review. BES concurred with the assessment, by the applicant's environmental engineer, that the location of the ground water table in the area prevents the use of full infiltration on-site, and vegetated facilities that will be constructed to treat storm water before offsite delivery will meet the hierarchy of the

Stormwater Management Manual. BES also provided information on requirements for pollution prevention and source control for solid wastes and fats, oils and grease management (Exhibit E-1).

- Portland Bureau of Transportation Engineering ("PBOT") provided a detailed analysis of the proposal that evaluated the potential impacts on the transportation system and found transportation services were adequate to serve the redeveloped school and any increased activity that may be generated as a result of the proposed improvements. These comments are included in the findings for Criterion 33.815.105 D.2, below (Exhibit E.2).
- Water Bureau noted that water service is available (and currently being used) for the facilities at the Site. The response noted that City Title 21.12.070 requires that the service be provided to only one tax lot and therefore, a tax lot consolidation will be required prior to approval for the new school. A fixture count will also be required for building permit review and approval. If a new meter is required, costs of installation of an appropriately sized meter will be the responsibility of the school district (Exhibit E.3).
- Fire Bureau provided a reply that reminded the applicants that all fire code requirements must be met at the time of building permit review (Exhibit E.4).
- Police Bureau stated that it is capable of serving the proposed School Building uses at this time. Recommendations were made regarding the importance of maintaining trees and shrubbery, in accordance with CPTED standards, "to allow clearance for visibility of security cameras." Recommendations were also included on considerations and features that should be implemented in the creation of a crosswalk that would connect the Parkrose Middle School and High School, across NE Shaver Street (Exhibit E.5).
- Life Safety Plan Review Section of BDS provided a response that noted that all building code requirements must be met at the time of building permit review (Exhibit E.6).
- Site Development Section of BDS noted that a geotechnical engineering report has been submitted to the City and is being reviewed to determine whether any additional information is needed for building permits. The response also noted erosion control requirements, which are mandated by the City's Title 10 (Exhibit E.7).
- Parks-Forestry Division provided an electronic response of "no concerns."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 2, 2013. One written response was received from a nearby resident. (Exhibit H.3a) BDS staff provided a written response to issues raised in Exhibit H.3a. (Exhibit H.3)

Mr. Gardner ("Gardner"), the person submitting Exhibit 3a, indicated that a sign posted on the Site to notify interested persons of the Land Use Hearing scheduled for May 1, 2013 at 1900 SW Fourth Avenue, Suite 3000, Portland, Oregon (the "Hearing") had been removed and/or destroyed after only one week. Portland City Code ("PCC") 33.780.080 sets forth the posting requirements for

cases involving the Type III procedure. PCC 33.780.080 C requires that the Site be posted, at least 30 days before the scheduled hearing. PCC 33.780.080 C also states that the Applicant must provide a written affirmation/certification that they physically placed a notice of hearing sign on the Site; this affirmation/certification must be received by the City Bureau of Development Services at least 14 days before the scheduled hearing. The Hearings Officer notes that Exhibit D.4 is the Applicant's affirmation/certification is dated March 25, 2013; a time period greater than the 14 days required by PCC 33.780.080 C. PCC 33.780.080 D prohibits the Applicant from removing the hearing notice sign from the Site between the time it was posted and the date of the scheduled hearing. Applicant, at the May 1, 2013, testified that Applicant did not remove the hearing notice sign posted at the Site. The Hearings Officer finds the Applicant's posting of the Site with a hearing notice conformed with PCC 33.780.080.

Gardner, in Exhibit H.3a, questioned why a "master plan that was developed back in 1995-96 was not followed." BDS planner Kathleen Stokes ("Stokes") testified that she conducted research and found no City adopted plan that would impact or control development on the Site. The Hearings Officer finds that there may be a Parkrose School District Master plan adopted in 1995-96. However, the Hearings Officer finds a plan adopted only by the Parkrose School District and not the Portland City Council, is not relevant to the approval criteria in this case.

Gardner, in Exhibit H.3a, questioned why lighting of the sports field was necessary. Gardner suggested that the lights could negatively impact neighboring properties. The Hearings Officer will address this issue in the relevant approval criteria below.

ZONING CODE APPROVAL CRITERIA

33.815.105: Institutional And Other Uses In R Zones

33.815.040 Review Procedures

The procedures for conditional use reviews depend on whether the proposal is for a new conditional use, a change to another type of conditional use, or a modification to the 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 a major redevelopment of the facilities for a previously existing school at a site in the R7 and R3 residential zones, and so requires approval through a Type III Conditional Use Review.

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. The area is generally bounded, north to south, by NE Prescott and NE Fremont Streets and, west to east, by NE 112th and NE 122nd Avenues. Parkrose High School occupies more than 40 acres to the north of the Site, extending over most of the area from 115th to 121st and from NE Shaver to NE Prescott. Also included on the high school campus are the SUN Community Center and Multnomah County Health Clinic. Rossi Farms is an agricultural use that is located in the R3 and CG zones, extending east of the Site, to NE 122nd Avenue. Other non-household uses in the immediate area include a church (3983 NE 112th Avenue), a church and community school (11100 NE Skidmore Street), and a preschool/day care (11825 NE Fremont). Senn's Dairy City Park is located in an R7 zone at NE 112th and Prescott. Two additional churches were also identified to be located on R5-zoned properties (11229 NE Prescott and 536 NE 116th Avenue).

This Site has been used as a neighborhood middle school since it was first constructed in 1963. Continuing the school use on the Site will not affect the proportion of the nonhousehold living uses in this residential area. The 134,261 square-foot building will serve what is expected to be a gradually increasing enrollment, as the new school is designed to accommodate up to 1,000 students, while the current enrollment is 800. The additional capacity is not expected to create a significant increase in the intensity of the use. Some effects may be felt, in the short term, during construction due to the activity that it involves and the temporary location of the modular classroom buildings, but this will end with the completion of the new facility. The traffic to and from the Site is mainly routed to the adjacent arterials, rather than through the residential neighborhood, and the large size of the property provides a high level of buffering for those neighbors who are closest to the Site. The Hearings Officer finds these approval 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 the Hearings Officer finds this approval 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: These approval criteria are intended to recognize that there are often significant differences between residential and institutional development, in regards to characteristics such as site size, building scale and style, as well as setbacks and landscaping. Therefore, either criterion B.2 or B.3 must be addressed. Applicant described the process of selecting the location for the school building on the existing middle school campus, considering both the existing grades, which create a considerable slope, and the need to retain the operation of the existing facility during construction. To this end, the building is proposed to be located farther back on the property and also set into the hill, which reduces the perceived height of the structure. Applicant's narrative notes that, "the intent is to create a non-intrusive, inviting and cohesive single campus-like appearance.' The setback from NE Shaver will help to meet this criterion, as well. The proposal to have the athletic fields adjacent to the street, rather than placing the school building closer to the street edge will better preserve livability and appearances for the adjacent residential area to the south. (see findings related to the requested Adjustment). This proposal calls for a dramatic new environmentally sensitive school building, designed to meet the LEED Gold standard, and sports facilities that include extensive setbacks and the retention and enhancement of landscaping and open areas. The design details of this proposal will help to announce the new middle school as a notable community feature and provide adequate visual and physical screening and buffering.

The Hearings Officer finds these approval criteria are 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 this proposal. Regular hours for the middle school are 8:05 AM to 2:45 on Monday, Tuesday, Thursday and Friday and from 8:05 AM to 1:10 PM on Wednesday. Most after-school activities are scheduled from 3:00 to 4:00 PM. Sporting events occur one to two times per week and are scheduled between 4:00 and 8:00 PM. Some outside organizations utilize the school's facilities one to two nights per week, between the hours of 6:00 and 9:00 PM, during the school year and also on weekend days and summer weekdays. There are only a few special school events, such as Parent Nights and NW Family Service-Parent Night, which still end at a relatively early hour, so late-night activities are not proposed and there are not expected to be any activities that generate additional noise that would impact the residential area.

Lighting for the new school building and the recreational fields will be directed to avoid off-

site glare. Field lighting is proposed to be restricted to end at 9:30 PM, Sunday through Thursday and 10 PM on Friday and Saturday evenings, with any events to be scheduled to end one-half hour before the lights are turned off, in order to allow time for clean up. The field location (adjacent to NE Shaver) and lighting impacts, under this proposal, will impact fewer residential units than the current location (southeast corner of the Site). The PA system will be set so that it does not exceed the maximum sound levels allowed by the City's Noise Code. No activities that create odors are expected. Litter will continue to be addressed by the School District to ensure proper cleanup and security of the grounds, especially after special events.

Applicant indicated that school staff, parents and security personnel ensure that regular school activities and any other functions taking place on-campus do not impact the privacy or the safety of the nearby residential area. These practices will continue and so no impacts to these areas of concern are anticipated to occur.

The Hearings Officer finds these approval 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;

Findings: The Site is situated on NE Shaver Street which is classified as a Neighborhood Collector and Community Transit Street. NE Shaver connects the middle school to through access on NE 112th Avenue, also a Neighborhood Collector, approximately 1,500 feet to the west. About 1,000 feet to the east, Shaver Street connects with NE 122nd Avenue. NE 122nd is a major arterial which is classified as a Major City Traffic Street, a Community Transit Street (north of Shaver) and Transit Access Street (south of Shaver), a City Bikeway and a City Walkway.

The proposed Conditional Use, to allow the reconstruction of the school facility, will support a use that is part of the neighborhood fabric, has developed along with the adjacent street system and is consistent with the intended use of streets with these classifications.

The Hearings Officer finds this approval criterion is met.

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: PBOT 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:

Applicant provided a Traffic Impact Study and Parking Analysis ("TIA") that was prepared by a registered traffic engineer (Exhibit A.1, tab G). The TIA concludes that the transportation system is projected to meet or exceed the City of Portland's operational standards with the addition of site trips from the proposed school expansion.

Based upon the TIA and the PBOT review the Hearings Officer finds that the area streets and intersections have sufficient capacity to safely serve the proposed use in addition to the existing uses in the site vicinity while maintaining acceptable levels of service. The TIA and PBOT concluded that no mitigation is needed or recommended; the Hearings Officer concurs.

Trip Generation & Student Enrollment

The current enrollment at Parkrose Middle School is approximately 800 students. The proposed expansion will accommodate an increase of approximately 200 students.

For schools, trip generation is typically calculated based on the number of students, as this variable most-closely drives the amount of traffic generated. The most commonly used values for trips per student are found in *Trip Generation*¹. The data utilized are for the "Middle School/Jr. High School" land use.

A summary of new trips generated by the Parkrose Middle School expansion as calculated by the ITE rates is shown in Table 1. The analysis shows that the enrollment increase will generate a projected 108 new trips during the morning peak hour with 59 entering and 49 exiting the Site. For the afternoon peak hour, the analysis projects 62 additional trips, 28 of which are entering and 34 exiting the Site. The ITE trip rates were found to be in fairly close agreement with trip rates observed at Parkrose Middle School for the current enrollment.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual, 8th Edition,* 2008. Data cited for this study corresponds to land use code #520, Middle School/Jr. High School.

Table 1: Trip generation summary

	Morning Peak Hour			Afternoon Peak Hour		
	Entering trips	Exiting trips	Total trips	Entering trips	Exiting trips	Total trips
Total trips (1000 students) Current trips (800 students) Added trips (200 students)	297	243	540	140	170	310
	238	194	432	112	136	248
	59	49	108	28	34	62

Trip Distribution

The TIA included a model and estimate of the distribution of trips from 200 additional students. The TIA estimated that approximately 45% of Site trips will arrive from and depart toward the west of the school along NE Shaver Street, with the remaining 55% of trips arriving from and departing toward the east along NE Shaver Street. Of these 55%, the TIA estimated that 15% arrive from and depart toward the eastern leg of the intersection of NE 122nd Avenue at NE Shaver Street, 30% arrive from and depart toward the south leg of this intersection, and 10% arrive from and depart toward the north leg of this intersection.

Access to Arterials and Connectivity

NE Shaver Street provides east/west connectivity immediately adjacent to the Site and is classified as a Neighborhood Collector at this location. This roadway connects the school to SE 112th Avenue, also a Neighborhood Collector, approximately 1,500 feet to the west, and to NE 122nd Avenue, a Major City Traffic Street, about 1,000 feet to the east. NE 112th and NE 122nd Avenues provide north/south connectivity in the area of the schools and also connect to other east/west arterial routes, including Sandy Boulevard, a Major City Traffic Street that is approximately 1,900 feet to the north of the intersection of NE Shaver Street and NE 122nd Avenue, and I-84, a Regional Trafficway, approximately one-half mile south of that intersection.

The TIA concluded that the Site has adequate connectivity and access to arterials and recommended no mitigation. The Hearings Officer concurs with this TIA conclusion.

Transit Availability

TriMet Route 22, *Parkrose*, provides direct bus service with an eastbound bus stop immediately adjacent to the Site and a westbound stop just across the street from the Site. Service between Parkrose neighborhoods and Gateway Transit Center is available from 6:00 AM to 10:00 PM weekdays, with typical headways of about 30 minutes during the morning and afternoon peak periods of the school. Service is also available on weekends with 40 to 50 minute headways.

Additionally, TriMet Route 71, 60th Ave/122nd Ave, provides bus service between Clackamas Town Center and Lents Transit Center, with service also provided to nearby Parkrose-Sumner Transit Center. Service is available from 5:00 AM to 12:00 AM with typical headways of about 15-20 minutes during the morning and afternoon peak periods of the school. Service is also available on weekends with 20 to 30 minute headways.

The available transit service is sufficient to meet the needs of the proposed use in addition to the existing uses in the Site vicinity.

On-Street Parking Impacts

The TIA describes the existing parking supply, existing parking demand and projected parking demand. If the maximum potential enrollment increase is realized, the peak parking demand is projected, in the TIA, to increase by approximately 15 vehicles during the school day.

The planned campus renovations include an on-site parking lot with 95 available spaces. The TIA concluded that these spaces would be sufficient for all parking demand generated by the school. Since the parking lot is significantly closer to the school than any available on-street parking, impacts to the on-street parking during the typical periods are expected to be minimal. Additionally, the remodeled campus provides on-site locations for pick-up and drop-off of students arriving in a family vehicle. For special events, parking at Parkrose High School is available in addition to the on-site parking provided at the middle school.

The TIA concluded that the parking provided on the remodeled campus will be sufficient to serve the school as enrollment increases to the capacity, and on-street parking impacts will be minimal. The Hearings Officer concurs with this TIA conclusion.

The on-site parking supply will be temporarily reduced for construction staging and temporary classrooms. The TIA concluded that the temporary reduction of parking spaces would not result in a significant impact to on-street parking supplies. The Hearings Officer concurs with this TIA conclusion.

Pick-ups & Drop-offs

Pick-ups and drop-offs currently take place primarily on the Site. This practice is expected to continue following the redevelopment of the campus. Additionally, dedicated space is provided for school buses to load and unload.

The remodeled campus includes several improvements intended to improve traffic flow around the pick-up and drop-off periods. At present, no dedicated space is provided on the Site for pick-ups and drop-offs and this activity takes place throughout the parking area. The remodeled campus provides dedicated space for this activity.

Access Restrictions

There are presently no access restrictions in the immediate vicinity of the school, nor are any new restrictions called for as part of the planned addition. This proposal will have no effect on access restrictions in the school's vicinity.

Neighborhood Impacts

Student drop-off and pick-up activities are expected to impact the local neighborhood from approximately 8:30 AM to 8:50 AM and from 2:55 PM to 3:15 PM. Although these activities tend to have significant impacts to the neighborhood in the vicinity of the middle school, the frontage of Site is distant enough from the nearest homes that the impacts aren't directly felt by neighbors.

Additionally, the planned on-site parking along with space provided for pick-ups and drop-offs is sufficient to accommodate the peak demands associated with school activities in addition to the existing uses in the Site vicinity. The highest level of short-term parking utilization observed at the Site under existing conditions occurred during the morning drop-off period. At that time, the total parking demand in the lot was 61 vehicles. No school-related parking was observed on the nearby streets, although a number of drop-offs occurred along Shaver Street with the parent remaining in the vehicle.

As described in the operational analysis of the TIA, the public roadways and intersections are projected to operate within capacity and with low delays even under peak traffic conditions. It is expected that there will be some level of congestion in the immediate Site vicinity at the start and end of the school day, similar to existing conditions. This congestion improves safety for students arriving and departing from the school and does not induce significant delays to through traffic.

Based on the detailed analysis, projected impacts to the surrounding neighborhood are minimal and acceptable. The TIA recommended no mitigation and the Hearings Officer concurs.

Impacts on Pedestrian, Bicycle and Transit Circulation

The proposed increased school enrollment will not require changes to the existing pedestrian, bicycle and transit circulation in the Site vicinity. The existing facilities are adequate to serve the needs of the proposed use in addition to the existing uses in the Site vicinity.

Safety for All Modes

Adequate sidewalks, crosswalks, walking paths, roadways and transit routes are presently in place to safely serve all traffic for both the existing and proposed uses in the Site vicinity.

Designated bike lanes are not provided on NE Shaver Street in the vicinity of the Site. As this is a fairly low-volume street with fairly wide shoulders in the vicinity of the Site, the NE Shaver roadway can safely be shared by bicycles and cars.

There are bicycle lanes in place on 122nd Avenue. Other streets in the immediate vicinity of the school are local residential streets that are safe for biking.

As noted previously, NE Shaver and NE 122nd Avenue serve TriMet bus lines. No safety issues presently exist in the vicinity of the school for transit vehicles or users, and none will arise as a result of the proposed improvements.

The TIA concluded that the transportation system in the Site vicinity is capable of safely supporting all modes of travel for the proposed use as well as the existing uses in the Site vicinity.

Transportation Demand Management Strategies

Although additional Transportation Demand Management ("TDM") strategies are not needed to ensure safe, efficient operation of the reconstructed school, it is appropriate to consider further steps to encourage and promote the usage of alternative travel modes. Several potential measures are identified in the TDM plan to further decrease the number of students arriving at the school in private vehicles.

The Hearings Officer finds, based upon the TIS, PBOT comments and BDS staff comments, that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. The Hearings Officer finds this approval criterion is met.

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

Findings: The service agencies responded to indicate that public services are adequate to serve the proposal. The Hearings Officer finds this approval 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 the Cully-Parkrose Community Plan. None of the policies or the objectives of this Community Plan are directly related to this proposal, although the replacement and enhancement of this neighborhood facility will generally promote the welfare of the area, which is consistent with the intent of this area plan. Therefore this criterion is met.

<u>CONCLUSION</u>: The Hearings Officer finds that all of the relevant criteria of the Conditional Use Review for the proposal to build a new facility for the Parkrose Middle School, including the proposed improvements to the parking area, the organized sports fields and track, and the temporary use of two modular classroom buildings during construction, are met.

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Applicant requested approval of an adjustment to Code Section 33.120.220 C, to waive the maximum building setback requirement for the proposed new school building

Title 33 states that the Maximum Building Setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users. In the single-dwelling zones, the Code recognizes that educational institutions may be situated in such a way that meeting maximum setbacks along transit streets and in pedestrian districts is not practical and may not even be safe for the staff and students. Therefore, there is an option of requesting that the requirement be waived, as a part of Conditional Use review. (See discussion in Conditional Use findings for Criteria 33.815.105 B 2 and 3, page 5). In this case, where part of the building is in a multi-dwelling zone, the request must be made through an Adjustment Review because the R3 zone does not allow the maximum setback to be waived through the Conditional Use Review.

Applicant proposed a location for the new school building that places it further back on the Site, at approximately 322 feet from NE Shaver Street, with the athletic facilities forward toward the street (NE Shaver Street) lot line. The logic behind this allows the School District to maintain school operations in the current building during construction and also allows the district to move the active recreational track and field, with lighting and PA system, away from most of the adjacent residences. The planned design also takes advantage of grade differences to place the new building in a location where it is partially built into the hill.

The Hearings Officer finds the proposed location meets the Conditional Use approval criteria. Placing the recreational track and field adjacent to NE Shaver Street will provide a pleasant visual experience for pedestrians and transit users and can make access more

convenient for any shared community use of the facilities. Placing the school further back on the property will not detract from the environment for those who are taking transit or walking or riding bicycles along NE Shaver Street and will allow a better solution for the redevelopment of this school campus. The Hearings Officer finds the purpose of the maximum building setback regulation, in this case, is equally served.

The Hearings Officer finds this approval criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The Site is located in R7 and R3 residential zones. A portion of a neighboring property also has a CG or General Commercial designation. That property was included as a part of the Site in this review because a Property Line Adjustment ("PLA") that is being processed to transfer a portion of the R3-zoned property to the school district had not yet been completed. (Exhibit H.6) It is, therefore, expected that the CG zoned property will not be a part of the Site and so the Adjustment request only needs to address the first part of this criterion and not the second that is directed to requests for Sites that are located in commercial zones.

As described above, approval of the proposal to waive the maximum Transit Street Building Setback will allow a design for the redevelopment of the middle school campus in a way that best maintains the livability of the adjacent residential properties, while presenting an interesting and attractive perspective to the street edge. The proposal further allows the existing school to continue operation during construction and places the new structure in the best position to suit the topography of the Site. The Hearings Officer finds the proposal will not significantly detract from the livability or appearance of the residential area.

The Hearings Officer finds this approval criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment to Title 33 has been requested. The Hearings Officer finds this criterion does not apply to requests to Adjustments to Title 32 and so it is not applicable to this request.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are indicated on City zoning maps by a lowercase "s". Historic resources are indicated by a reference dot. There are no scenic or

historic resources located on the subject site. The Hearings Officer finds this approval criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: No impacts have been identified, nor are they anticipated, resulting from the requested adjustment. No mitigation is required. The Hearings Officer finds this approval criterion is not applicable.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental zones are indicated on City zoning maps by a lowercase "c" or "p." There are no environmental zones located on the subject site. The Hearings Officer finds this approval criterion is not applicable.

32.38.030 Sign Adjustment Review

- **A. Purpose.** Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.
- **B. Procedures.** The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.
- C. Approval Criteria. Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.
 - 1. Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.
 - a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

Findings: The proposal includes a new sign for the middle school which has a self-contained wind turbine that will generate enough power to illuminate the sign's backlit readerboard. At 34.7 square feet in area and 14 feet, 8 inches in height, the freestanding sign would meet the standards of Title 32. However, the wind turbine adds an additional 4 feet 10 inches to the height. The adjustment to Code Section 32.32.020 requests that the overall allowed height be increased, from 15 feet to 19 feet, 6 inches, in order to allow the sustainable design for the proposed sign.

If approved, the sign will be the only freestanding sign along the NE Shaver Street Site frontage. The high school and community center have signs, but they are located on the opposite side of the street. Rossi Farms has their entry sign and their barn, which sometimes has advertising signage and is often used for community activities, located at the intersection of NE 122nd and NE Shaver.

The Hearings Officer finds the Rossi signage is far enough away from the proposed location of the Site sign that there will not be any sense of clutter created by its addition or by its increased height. The Site is not located within the boundaries of a plan district or design district. The sign will, nevertheless, contribute to the sense of community identity and, arguably, community sharing and pride that has been an attribute of the Parkrose area for many decades. The Hearings Officer finds this approval criterion is met.

b. The sign will not create a traffic or safety hazard; and

Findings: The proposed sign is located adjacent to the Shaver Street Site frontage approximately it 6.5 feet back from the street lot line. The Hearings Officer finds this setback distance will not obstruct drivers' views and it will not have any elements that would provide a distraction to drivers. All electrical connections and lines that are a part of the sign will be concealed or located underground. Building code requirements will ensure the structural integrity of the sign and the wind turbine. Therefore, the Hearings Officer finds the sign will not have any impacts on traffic or safety. The Hearings Officer finds this approval criterion is met.

- c. The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
- **d.** The adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings: The sole reason that an Adjustment to the allowed height of the sign is being requested is because of the proposed wind turbine would be located on the top of the sign to provide electricity to illuminate the sign's reader board. Applicant stated that,

"incorporating the wind turbine into the design structure will create a unique design element but will also serve other purposes"...."sustainable design practices for LEED Gold certification are proposed to be incorporated into the development of the new school building and site improvements. Such sustainable practices include energy efficient systems, solar panels, low water use fixtures, re-use elements/recycled materials, day lighting, etc. The wind turbine atop of the freestanding sign is just one of the proposed sustainable features on-site. The wind turbine will generate and power the lighting and reader board associated with the sign, thus resulting in a 'net-zero,' freestanding sign. The freestanding sign will also promote and display the district's commitment to sustainability and educate the community, students and parents on the benefits of renewable energy and how it has been incorporated into the design of the new middle school."

The Hearings Officer finds these approval criteria have been 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.

III. CONCLUSIONS

This application was reviewed in the context of the relevant approval criteria. The Hearings Officer found that all of the relevant approval criteria have been met for the Conditional Use Review for the redevelopment of the middle school and for the requested adjustments to Title 33 and Title 32. The proposed school building, athletic fields and parking lot will provide improved and updated facilities for the education of the sixth through eighth grade students in the Parkrose School District. The new facility will be fitted to the topography of the Site and designed to meet the LEED Gold standard which is awarded for energy efficiency and design that is sensitive to the environment. The lighted track and playing fields will be located adjacent to NE Shaver Street, which will better preserve livability for adjacent neighbors to the south and west of the Site. The proposed school building also allows the building to be nestled into the natural slope on the Site, but does require the approval of an adjustment to waive the maximum transit street setback for the portion of the building that is in the R3 zone. The overall design of the proposed development will enhance the appearance of the campus and will maintain adequate setbacks and buffering to protect the neighboring property owners from impacts on livability.

The City's service agencies reviewed the proposal and found that services are adequate to serve the proposed uses and development. The proposal is consistent and supportive of the general goals and policies of the adopted Cully and Parkrose Community Plan. The temporary use of two proposed modular classroom buildings will allow the school to continue functioning during the construction of the new facility. These buildings, along with the "old" school building, are proposed to be removed when the new facility is completed.

Approval of the requested Adjustment to the Maximum Transit Street setback will still provide an attractive and inviting aspect to the frontage on NE Shaver for pedestrians and transit users. The playing fields and track will be an attractive open space that will not detract from the appearance or the livability of the residential area. Locating the recreational facilities next to the NE Shaver street frontage and the building further back on the Site will improve livability for the abutting neighbors without detracting from the environment along NE Shaver Street.

Approval of the request for an Adjustment to Title 32, to increase the allowed height of the proposed readerboard sign, would allow the sign to be illuminated by a wind turbine that would be placed on top of the sign. The wind turbine would make the sign self-sufficient for the electrical energy to illuminate it, but would increase the height of the sign, from 14 feet, 8 inches to 19 feet, 6 inches. The additional sign height will not create a sense of sign clutter. The sign will not present a traffic or safety hazard because it will not obstruct visibility and will not have any elements that would distract drivers.

IV. DECISION

Approval of Conditional Use Review for construction of a new (approximately) 134,261 square-foot middle school building, a parking area for 95 vehicles and a lighted track and field, with a PA system, for use for organized sports activities. The location of the building in the R7 zone is approved with a waiver for the maximum transit street setback. This approval also includes siting of two modular classroom buildings in the parking area during construction and the temporary reduction in parking by 20 spaces during the time that the modular buildings are located there.

Approval of an Adjustment to Title 33, Code Section 33.120.220, to also waive the maximum 20-foot Transit Street Setback from NE Shaver Street, for the location of the school structure in the R3 zone.

Approval of an Adjustment to Title 32, Code Section 32.32.020, to increase the allowed height for a freestanding, lighted monument ("pylon") sign from 15 feet to 19 feet, 6 inches.

Approvals are subject to general compliance with exhibits C-1 through C-6 and are also subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 12-216918 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The modular classroom structures must be removed from the site within 90 days of the date that final occupancy permits are approved for the new school building. After removal of these structures, the parking lot must be restored to provide the full measure of 95 spaces.
- C. The existing middle school building shall be removed, under City permit(s), on or before July 2, 2016.

Gregory J. Frank Hearings Officer

5/16/13

Date

Application Determined Complete:

March 8, 2013

Report to Hearings Officer: April 19, 2013

Decision Mailed: May 14, 2013

Last Date to Appeal: 4:30 p.m., May 28, 2013

Effective Date (if no appeal): May 29, 2013 Decision may be recorded on this date.

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. An appeal fee of \$2,850 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000). Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person_authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.

• 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.

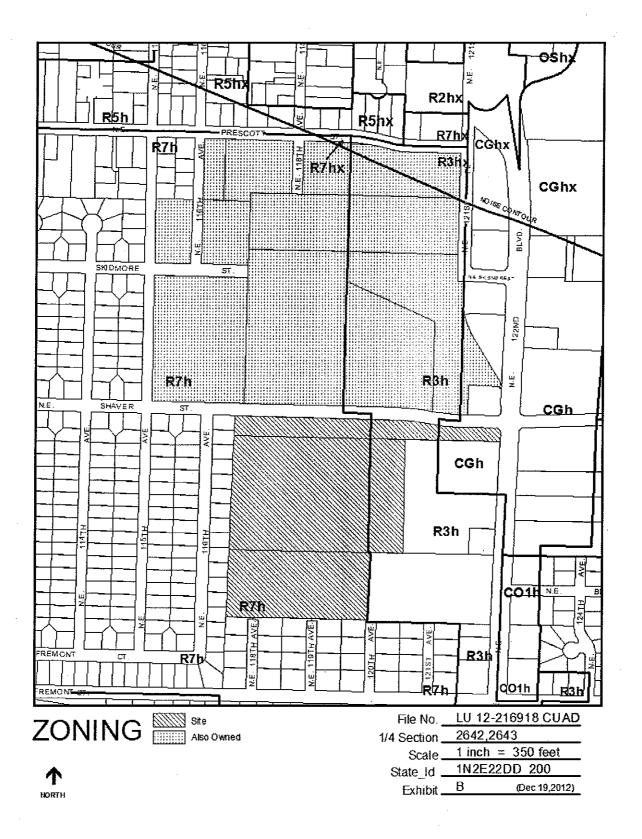
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

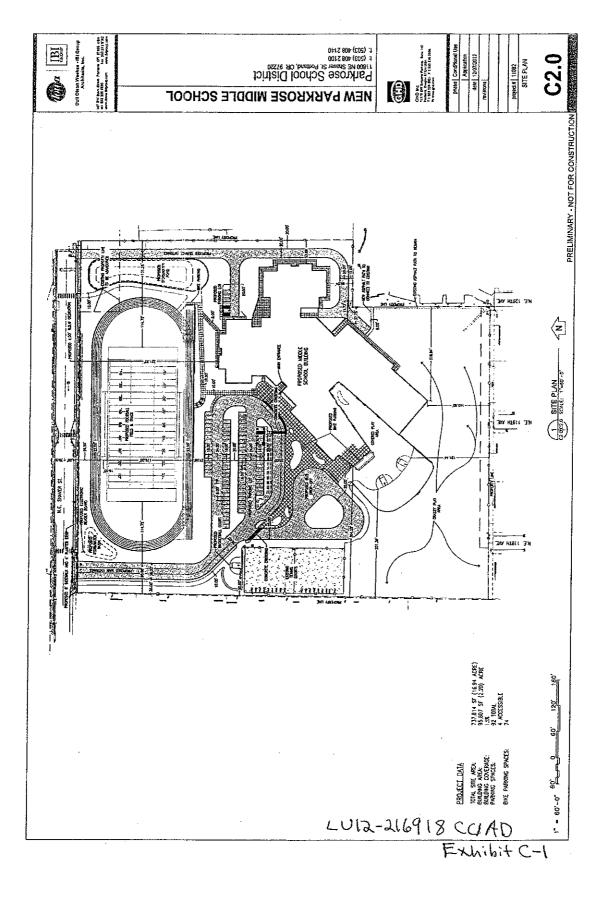
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

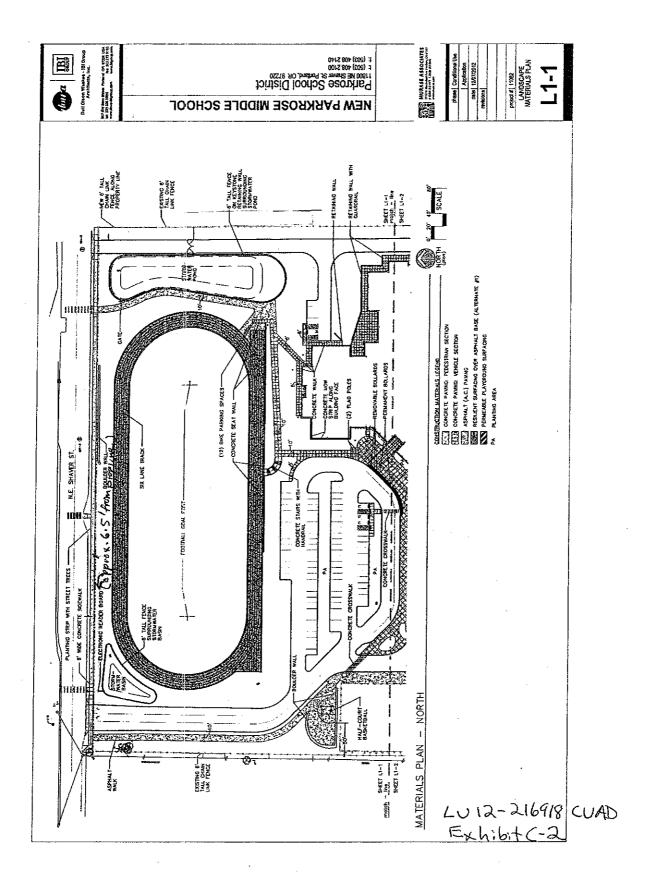
EXHIBITS

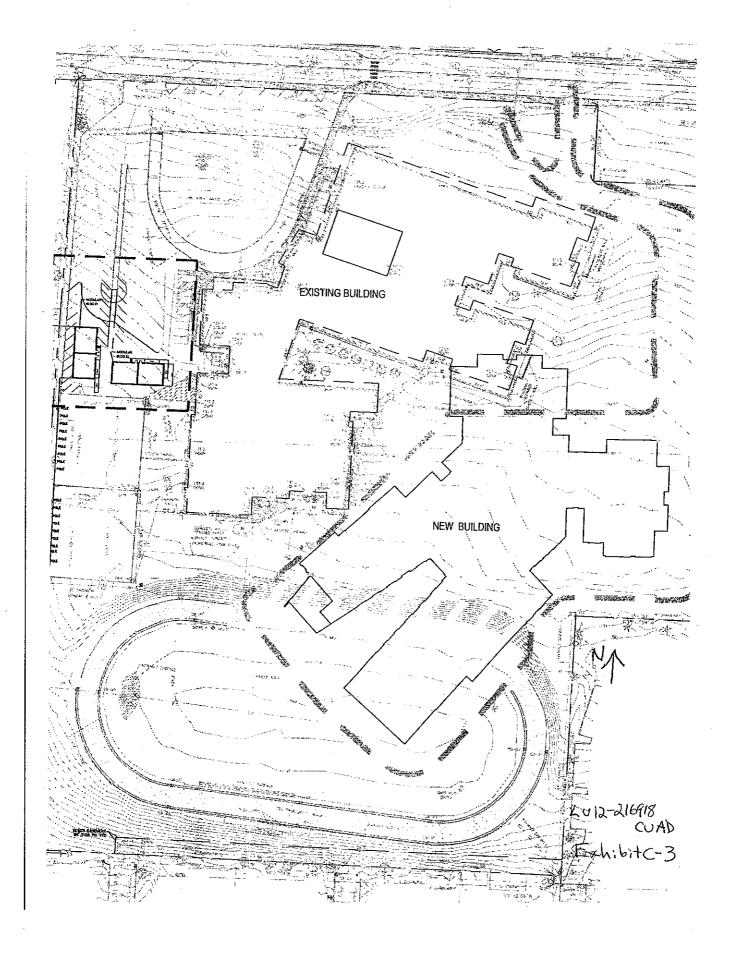
NOT ATTACHED UNLESS INDICATED

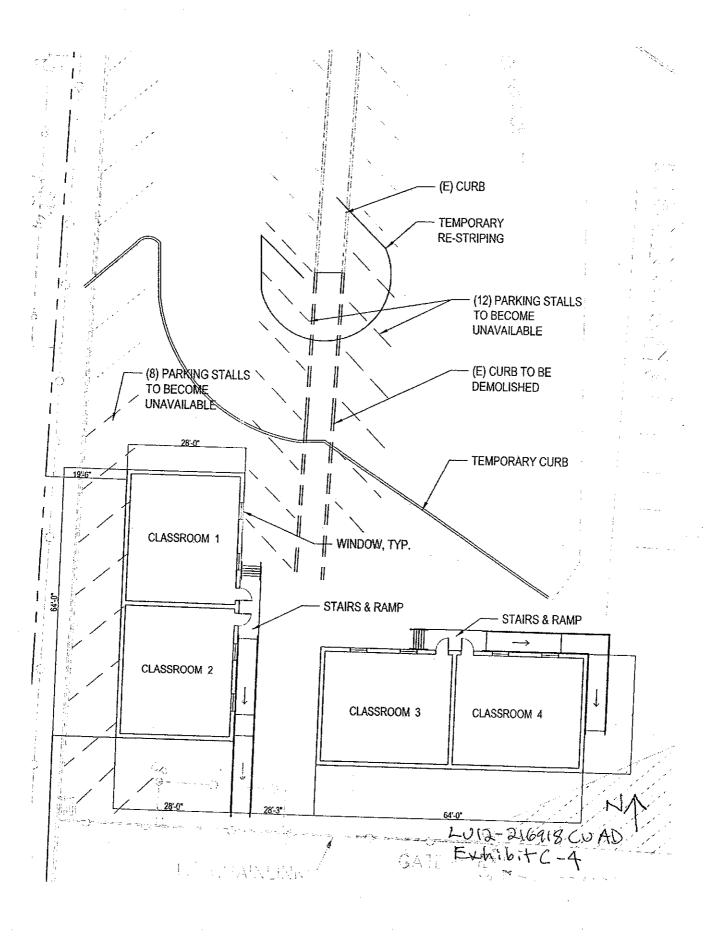
- A. Applicant's Statement
 - 1. Application and original narrative and plans, December 18, 2012
 - 2. Supplemental information, revisions and submittal for Adjustments, February 28, 2013
 - 3. Supplemental information, field lighting details, March 8, 2013
 - 4. Supplemental information, plans for modular classroom buildings, March 14, 2013
- B. Zoning Map (attached)
- C. Plans and Drawings
 - 1. Overall Site Plan (attached)
 - 2. Detail of site plan, showing track and recreational field and location of sign (attached)
 - 3. Site Plan showing temporary modular classroom buildings (attached)
 - 4. Detail of modular classroom buildings site plan (attached)
 - 5. Elevation drawings of school building (attached)
 - 6. Elevation drawing of readerboard sign (attached)
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5 Mailing list
 - 6. 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 Bureau of Development Services
 - 7. Site Development Review Section of Bureau of Development Services
 - 8. Summary of electronic responses from City service agencies
- F. Letters: (none received)
- G. Other
 - 1. Letter from Kathleen Stokes to Ryan Schera, January 8, 2013
- H. Received in the Hearings Office
 - 1. Notice of Public Hearing Kathleen Stokes
 - 2. Staff Report Kathleen Stokes
 - 3. 4/25/13 Memo with attachments Kathleen Stokes
 - a. 4/18/13 E-mail from Mark Gardener Kathleen Stokes
 - 4. PowerPoint presentation Kathleen Stokes
 - 5. Record Closing Information Hearings Office
 - 6. E-mail printout by Charles G. Odette Hearings Office

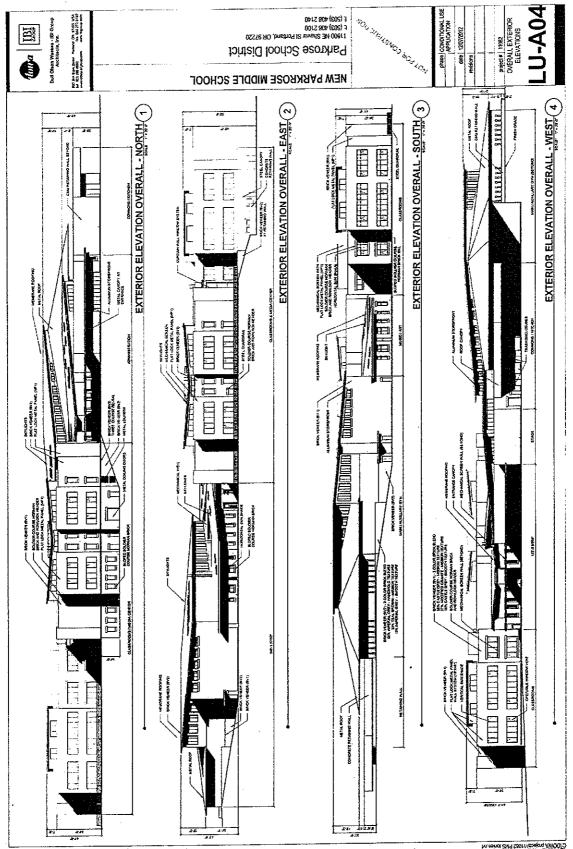




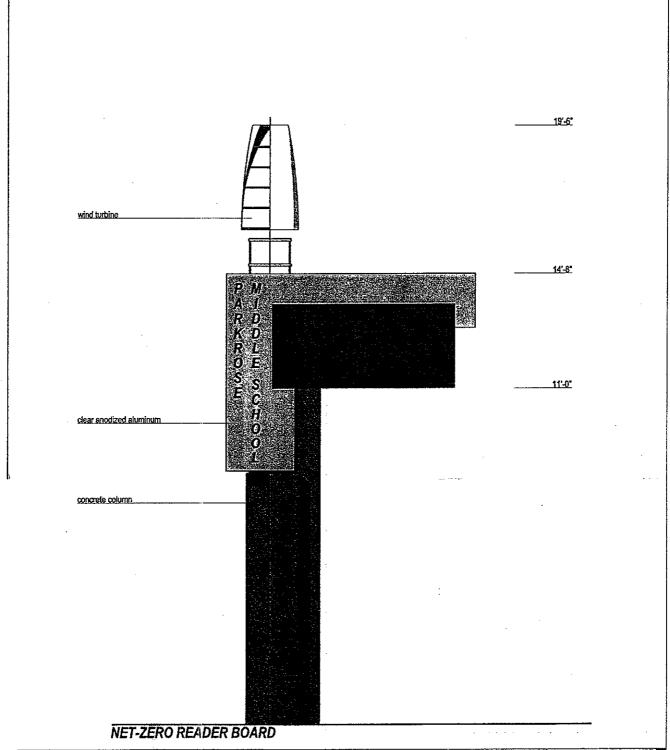








LUIZ-216918 CUAD WESSITERENTED EXhibit C-5





NEW PARKROSE MIDDLE SCHOOL

Parkrose School District 11800 NE Shaver St Portland, OR 97220

t: (503) 408 2100 f: (503) 408 2140

LU12-216918CUAD Exhibit C-6

phase APPLICATION date | 12/07/2011

project# | 11082

reference -

LU A06