



CITY OF

PORTLAND, OREGON

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Hearings Office

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 08-177024 CU AD (HO 4090019)

Applicant: Dan Symons
Symons Engineering
12805 SE Foster Rd
Portland, OR 97236

**Owner/
Representative:** Mr. Terry Dieter, Representative
Faithful Savior Ministries
P. O. Box 30957
Portland, OR 97294-3957

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Suzanne Savin

Site Address: 11100 NE SKIDMORE ST

Legal Description: TL 4600 BLOCK 39&40, PARKROSE & RPLT

Tax Account No.: R647308070

State ID No.: 1N2E22CA 04600

Quarter Section: 2641

Neighborhood: EPNO, Parkrose Neighborhood Association

Business District: Parkrose Business Association

District Coalition: East Portland Neighborhood Office

Plan District: None

Zoning: R7h (Single-Dwelling Residential 7,000, with Aircraft Landing Overlay Zone)

Land Use Review: Type III, CU AD (Conditional Use Review and Adjustment Review)

BDS Staff Recommendation to Hearings Officer: Approval of a Conditional Use Review and Approval of an Adjustment Review with conditions

Public Hearing: The hearing was opened at 9:03 a.m. on September 16, 2009 in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland OR, and was closed at 11:22 a.m. The record was held open until 4:30 p.m. on September 30, 2009 for new written evidence and until 4:30 p.m. on October 7, 2009 for applicant's final rebuttal. The record was closed at that time.

Testified at the Hearing:

Suzanne Savin, BDS Staff Representative, 1900 SW 4th Avenue, Portland, OR 97201

Dan Symons, 12805 SE Foster Road, Portland, OR 97236

Kurt Luebke, 11100 NE Skidmore Street, Portland, OR 97220

Stephanie Thornton, 11100 NE Skidmore Street, Portland, OR 97220

Sue Frymark, 3720 NE 109th, Portland, OR 97220

Tammy Stamp, PO Box 20714, Portland, OR 97294

Randy Mayhew, 11018 NE Mason Street, Portland, OR 97220

Dean Zarosinski, 1400 NW 155th Circle, Vancouver, WA 98685

Robert McInnis, 11032 NE Mason Street, Portland, OR 97220

Ray Vandiver, 11116 NE Mason Street, Portland, OR 97220

Heidi Frank, 11102 NE Mason, Portland, OR 97220

Chris Christofferson, Traffic Engineer, 10109 NE 98th Avenue, Vancouver, WA 98662

Proposal:

The site subject to this application and decision (the "Subject Site") contains a church ("Church"), a modular building ("Existing Modular") and surface parking ("Parking Lot"). According to the Applicant, a preschool has been operating intermittently from the Church since the establishment of the Church to the present time. The Zoning Code categorizes a preschool as a daycare use. Daycare uses are allowed by right if locating within a building that contains a religious institution.

In 2005, a primary school began to operate within the Church (kindergarten through 6th grade). In 2006, the school expanded to include 7th and 8th grade students. Schools are Conditional Uses in Residential zones, but the Applicant did not obtain a Conditional Use approval before establishing the K - 8 school. Therefore, the Applicant is now requesting a Conditional Use Review to allow the existing K - 8 school to continue to operate from the Subject Site, and to expand the school's facilities to include a playground canopy structure ("Canopy") and two new modular buildings ("Canopy Modular" and "New Modular South"). The proposed Canopy will be located to the west of the Church, will initially be 60 feet in width by 80 feet in length, and will be approximately 29 feet and 6 inches in height from grade to the peak of the roof. The width and length of the Canopy is proposed to be expanded to 80 feet by 100 feet in approximately three to four years.

The Canopy will be used for the school's P.E. classes, Monday through Friday from 9:00 a.m. to 3:00 p.m., during the school year (September - June). Up to 50 students at a time may be present

within the canopy area during the school's P. E. classes. The Canopy will also be used in the evenings and on weekends by the school's students, church members, and/or possibly other groups. The proposed schedule for Canopy use on evenings and weekends is discussed in detail in the "Zoning Code Approval Criteria" section of this decision.

The Existing Modular (1,250 square feet), located south of the Church is proposed to have a narrow storage addition added to provide variety to the south wall and roof lines. The Existing Modular will be re-sided with horizontal siding and brick wainscoting to match the new construction. The HVAC unit on the exterior of the Existing Modular is proposed to be screened with a cedar lattice assembly to blend with existing deck rail construction. Electrical utilities to the Existing Modular will be placed underground (See Exhibit A-1).

The proposed New Modular South, approximately 1,330 square feet, will be set lower and may be site built to accommodate the floor plan and elevation features. The New Modular South will be sided with horizontal siding and brick wainscoting to match the Church.

The proposed Canopy Modular, approximately 1,920 square feet, will be set to grade with no exposed skirting and will receive siding, wainscoting, and roofing treatments to match the Existing Modular and the New Modular South.

The proposed Canopy will have gable end siding added to conceal the 'structure' above the columns and the columns will be painted to match existing Church trim colors. The columns and trim of the Canopy are proposed to be painted to match the Church and the concrete masonry unit wall on the west side of the Canopy is proposed to be compatible with the color of the brick on the Church.

No additional school grades are proposed, but an increase in the total number of students and school staff is proposed. The school's proposed maximum student count is approximately 162, and the proposed maximum staff count will not exceed 20 (approximately 12 teachers and approximately 8 other staff).

The parking spaces on the west and south sides of the Church and Existing Modular are proposed to be reduced in number and reconfigured to accommodate the location of the playground canopy structure and the two proposed new buildings (New Modular South and Canopy Modular). The total number of on-site parking spaces will be reduced. Originally, as presented at the public hearing, Applicant proposed to add an entry point along NE Mason. The new Mason access point would be the primary entry for student drop-off and pick-up. During an open-record submission, the Applicant modified its proposal by providing an alternative access plan; no NE Mason access point (Exhibit H-12a). The alternative access plan is shown on Exhibit C-1 (dated 9/30/09).

The Applicant is also requesting an Adjustment Review to allow the school to vary from the applicable pedestrian standards. For institutional uses in single-dwelling zones, the applicable pedestrian standards are those of Zoning Code Section 33.120.255. For sites with more than one street frontage, such as the Subject Site, the standards require a straight-line connection between the

main entrance of each building on the Subject Site and the closest sidewalk, or roadway if there are no sidewalks, and an additional connection, which does not have to be a straight line connection, between each of the other streets and a pedestrian entrance. There are no sidewalks along the Subject Site's three street frontages currently. The Subject Site plan indicates that the Church main entrance, and the entrances to the Existing Modular and New Modular South, will have a pedestrian connection to a proposed sidewalk along NE Skidmore Street. The site plan also indicates that the Canopy Modular will have pedestrian connections to both NE Skidmore Street and NE Mason Street. However, none of these connections meet the distance requirement for straight-line connections, due to grade changes and the requirement for handicap accessibility. Therefore, the applicant requests an Adjustment to Section 33.120.255, to allow the pedestrian connections between the main entrances of the Church and other buildings and the streets to be more than 20 feet longer or more than 120 percent of the straight line distance.

Relevant Approval Criteria:

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

- 33.815.105, Institutional and Other Uses in R zones
- 33.805.040, Adjustment Approval Criteria

II. ANALYSIS

Site and Vicinity: The site is approximately 109,659 square feet in size, and has frontage on three streets: NE Skidmore Street to the north, NE 112th Avenue to the east, and NE Mason Street to the south. An approximately 8,854 square foot church building is located on the east portion of the site. According to the applicant, the church building was constructed in 1962. An approximately 1,420 square foot modular building is located on the south side of the church building; the modular building was installed in 2008 via Building Permit 08-132486 CO. A surface parking lot with approximately 125 spaces is located on the west and south portions of the site.

Immediately surrounding the site to the north, east, south, and west are properties zoned R7h, developed with detached single-dwelling residences.

Zoning: The Subject Site is zoned R7h, Single-Dwelling Residential 7,000 with Aircraft Landing Overlay Zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. Institutional Uses, such as schools, are allowed in single-dwelling zones if approved through the Conditional Use Review process.

The Aircraft Landing Overlay Zone, designated with an 'h', provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. However, the playground canopy and modular buildings proposed as part of this Conditional Use Review request do not exceed the Aircraft Landing Overlay Zone height limits.

Land Use History: City records indicate that there is one prior land use review for the site, LU 02-129547 CU AD. That review was a request for a playground and an Adjustment to the required fence height within the setback. However, the review was withdrawn by the applicant before a decision was issued.

Agency Review: A “Request for Response” was mailed June 19, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Parks – Forestry Division
- Water Bureau

The Bureau of Environmental Services (BES) responded that BES does not object to the approval of the Conditional Use Review and Adjustment Review. The proposed development will be subject to BES standards and requirements during the building plan review process. The response includes additional information for the benefit of the applicant (Exhibit E-1).

The Bureau of Transportation Engineering (PBOT) responded that PBOT has no objection to the original request (with NE Mason access point), subject to dedication and street improvement requirements (Exhibit E-2). PBOT also responded, with no objections, to Applicant’s alternative eliminating the NE Mason access point (Exhibit H-11a).

The Site Development Section of BDS responded that the proposal must be found to comply with the stormwater hierarchy. The subject site is within the Columbia South Shore Well Field Protection Area, which can restrict the use of onsite infiltration, but the Portland Water Bureau has indicated that they will approve infiltration for this project, subject to any restrictions that the Water Bureau may apply. The Applicant has previously submitted a stormwater report and plans with preliminary sizing calculations based on an assumed infiltration rate; for the purposes of this review, Site Development finds that the proposed plan for stormwater treatment and infiltration is feasible. However, a final stormwater report with onsite infiltration tests will be required at the time of building permit review (Exhibit E-3).

The Life/Safety Plan Review Section of BDS responded that a separate building permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances (Exhibit E-4).

The Fire Bureau responded that the applicant is required to obtain a commercial building permit for the proposed work. The Fire Bureau will review the required commercial building permit for all Fire Code requirements related to the new structures. Review will include access and water supply (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 13, 2009. One written response was received from a notified property owner in response to the proposal prior to the public hearing (Exhibit H-5). The nearby property owner stated

that he did not oppose the expansion of the school, but objected to the proposed new access point on NE Mason Street, for several reasons. BDS staff, in its Staff Report and Recommendation to the Hearings Officer (Exhibit H-4) responded to issues raised in the letter. A representative of the Exhibit H-5 letter writer appeared at the testimony and spoke, at the hearing, in opposition to the application. Additional persons, at the hearing, spoke in opposition. Two themes were common in the opposition testimony: (1) the NE Mason access point should be eliminated and (2) the “modulars” did not fit in with the surrounding neighborhood character. As the Applicant has agreed to eliminate the NE Mason access point, the Hearings Officer finds this issue to be moot. However, the design character of the “modulars” will be discussed in the relevant approval criteria below.

ZONING CODE APPROVAL CRITERIA

33.815.010 Conditional Uses - Purpose

Certain uses are Conditional Uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the Conditional Use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use Review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all Conditional Uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a Residential zone that 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

Findings: The Applicant examined the land uses within a 600-foot radius of the site. This study area contains approximately 206 lots. The Applicant provided the following land use breakdown for the lots within the study area:

- Approximately 182 of these lots are developed with single-dwelling residences;

- Approximately 14 of these lots are developed with single-dwelling residences that also contain home-based businesses (three of which are adult foster care), according to Portlandmaps.com data;
- Approximately 10 of these lots are vacant;
- Approximately 2 of these lots (excluding the subject site) are developed with religious institution uses.

The Applicant categorized the 14 lots that contained home-based businesses as lots containing uses not in the Household Living category. BDS Staff noted (Exhibit H-4) that the Zoning Code's Household Living category may apply to most of these lots. Further, BDS noted that if a business operates from a single-dwelling residence and complies with the Zoning Code standards for an accessory home occupation, the business is considered to be accessory to a Household Living use, and thus the primary use of the site is considered Household Living. In addition, if an adult foster care facility complies with the Zoning Code's definition of a "household", then it is categorized as a Household Living use.

The Applicant notes that the site is already in a non-Household Living use. The Church on the Subject Site, an Institutional Use, has been operating on the site since 1962. The requested additional use on the Subject Site, a school, is also an Institutional Use. The Hearings Officer finds that the addition of the school use on the site does not decrease the ratio of lots within the area that are in Household Living use.

This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: Applicant represented that the Subject Site was developed largely in its existing state (with the Church) since 1962. It is the largest property that is not in Household Living use within the 600-foot radius study area, and covers approximately ten standard tax lots.

The Applicant's submittal includes a detailed schedule of both church and school-related activities on the site, and the approximate attendance for each activity. The Applicant's information indicates that Church activities on the Subject Site include the following:

- Sunday School / Bible Study: 9:15 – 10:15 a.m., with an attendance of approximately 30 people.
- Sunday Services: 10:30 - 11:30 a.m., and 1:00 – 6:00 p.m., with an attendance of approximately 130 people at each service.

- Tuesday Services: 6:00 - 8:00 p.m., with an attendance of approximately 75 people.
- Wednesday Services: 6:30 – 9:00 p.m., with an attendance of approximately 35 – 50 people.
- Saturday Services: 10:00 a.m. - 1:00 p.m., and 6:00 – 8:00 p.m., with an attendance of approximately 75 people at each service.
- Weekday Evening Meetings: Meetings of smaller groups such as the Women’s Bible Study, Girl Scouts, and Youth Group, occur Monday through Friday between the hours of 5:30 – 8:30 p.m., with an attendance of between 12 to 40 people.

The Applicant’s submittal indicates that school activities on the Subject Site include the following:

- Normal School Hours, pre K – 8th grade: 8:30 a.m. – 3:00 p.m., Monday – Friday, September – June, with an attendance of approximately 130 students. With the school expansion proposed by this Conditional Use Review request, approximately 32 additional students are proposed, for a proposed maximum student count of 162 students.
- Summer School: 9:00 a.m. – 1:00 p.m., Monday – Thursday, 5 weeks in July, with an attendance of approximately 60 students.
- Annual Weekday Evening Events: Events that occur once per year, on weekday evenings, include the school’s Christmas Pageant, Art Auction, Science Fair, and End of Year BBQ. These events occur between the hours of 3:00 – 9:00 p.m., with an average attendance of up to 200 people.
- Annual Weekday Daytime Events: Events that occur once per year, on weekdays during the day, include the school’s Thanksgiving Luncheon, Chinese New Year Luncheon, Mother’s Day Luncheon, and Rummage Sale. These events occur between the hours of 9:00 a.m. – 4:00 p.m., with an attendance of up to 150 people.

The addition of the school use to the Subject Site has increased the vehicle trips to/from the Subject Site. However, the school operates during the weekday, while the Church’s largest gatherings are on the weekend. Therefore, the vehicle trips associated with the school are occurring on different days and times than those associated with the Church. Furthermore, although the requested school expansion will increase the maximum number of students from approximately 130 to approximately 162, the school’s traffic impacts will continue to be minimal. As indicated in the Letter of Addendum to the Traffic Engineer’s original report (Exhibit A-6), the intersection of NE Skidmore Street and NE 112th Avenue will still continue to operate very acceptably at a level-of-service “A”. A supplemental report (Faithful Savior Ministries Class/Gymnasium Addition Addendum 2 – Exhibit H.12c) indicates that without the originally proposed NE Mason access point “all traffic will continue to enter and exit from the existing driveway on NE Skidmore

Street. Parents will continue to enter the NE Skidmore Street access, turn right, and circulate in a counter clockwise direction within the parking lot.” (Exhibit H.12c) Applicant’s traffic engineer concluded that the NE Skidmore access point will not create significant negative impacts on NE Skidmore, NE 112th or the Skidmore/112th intersection.

The proposed school expansion includes construction of the Canopy in the central portion of the west side of the Subject Site. The Canopy will be used for the school’s P.E. classes, Monday through Friday from 9:00 a.m. to 3:00 p.m., during the school year (September – June). Up to 50 students at a time may be present within the Canopy area during the school’s P.E. classes. The use of the Canopy for school P.E. classes and games is not anticipated to significantly lessen the overall residential appearance and function of the area, because these activities will occur during the day on weekdays, within a time period when most of the surrounding residents can be expected to be at work or at school. However, because the Canopy is not enclosed, use of the canopy by P.E. classes and other groups could result in noise impacts to the surrounding area. For that reason, the Hearings Officer finds that a condition of approval is warranted, prohibiting amplification within the canopy area at any time.

Applicant states that the Canopy will also be used in the evenings and on weekends by the school’s students, church members, and/or possibly other groups. On July 23, 2009, the applicant submitted a proposed schedule for evening and weekend use of the Canopy, which was summarized in table form in the Notice of Rescheduled Hearing for this proposal.

In response to BDS Staff concerns about the frequency of evening use of the Canopy and its potential noise impacts, Applicant revised the Canopy use schedule on August 28, 2009 (Exhibit A-11). The revised schedule, shown below, deletes the weekly “Possible Single-A Basketball & Volleyball” evening event, and reduces the frequency of the evening youth special events and reschedules them to an earlier time period. These revisions are shown below, in bolded and italicized text.

Event	Time	Days	Frequency	Attendance
Sports Events	9:00 a.m.- 3:00 p.m.	Saturday	Once a Month	75-100
Possible Single A	Evening (hours	Unspecified	Once a Week	150

Basketball & Volleyball DELETED	unspecified) DELETED	DELETED	DELETED	DELETED
Youth Fundraiser	9:00 a.m. – 3:00 p.m.	Saturday	Twice a Year	50
Hang-Time Youth Event	6:00 p.m. – 8:00 p.m.	Friday	Twice a Month	50
Youth Special Events	6:00 p.m. – 9:00 p.m. REVISED: 3:00 p.m. – 7:00 p.m.	Unspecified	Occasionally REVISED: 3 – 4 times/yr	50
Adult Volleyball	5:00 p.m. – 7:00 p.m.	Unspecified	Once a Week	30
Adult Badminton	5:00 p.m. – 7:00 p.m.	Unspecified	Once a Week	30
Art Camp	5:00 p.m. – 7:00 p.m.	Monday through Friday	Annually	50

Applicant notes the following about the revised event chart:

“The goal of the event chart is not only to satisfy the Conditional Use application requirements, but also to reserve approval for potential activities that fulfill the mission of Faithful Savior Ministries and the community it serves. Church, after-school, and community related sports activities may be encouraged that presently do not occur outdoors. The intention is not ‘build it and they will come in droves,’ but it also is not just to put a cap literally and figuratively over existing activities. The reality is somewhere in between. The revised event chart further pares down the flexibility of evening canopy hosting opportunities that may present themselves. Approval Criterion A, *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*, is satisfied because the overall residential appearance and function of the area remains intact and the activity will not be out of proportion with that of a strong community.” (Exhibit A-2)

Per the revised event chart, evening use of the canopy will occur approximately twice weekly (adult volleyball and badminton events). Approximately every other week, a third evening activity (the church’s Hang-Time youth event) will be held on Friday. The event chart also indicates that there will be approximately two evening events that will occur on an annual or semi-annual basis. One of these activities, Youth Special Events, will occur about three-four times a year for a four-hour period

ending at 7 p.m. The other activity, Art Camp, will occur once a year for five consecutive evenings (each with a duration of two hours), also ending at 7 p.m.

The Hearings Officer finds that the above activities will have a relatively modest number of attendees (a maximum of 30 to 50), a limited duration (typically two hours), and will conclude at an early evening hour. The Hearings Officer finds that although these activities can be expected to generate noise, noise impacts will be offset to a large extent by the canopy's setback of 50 feet from the nearest residential use (the abutting property to the west). BDS Staff is recommended a condition prohibiting amplification within the canopy at any time.

The Hearings Officer finds that the proposed evening activities within the canopy will not significantly conflict with the appearance and function of residential areas, and will comply with Conditional Use Approval Criterion A.

Per the revised event chart, regular weekend use of the playground canopy will be limited to sports events that will occur approximately once per month, during daytime hours. In addition, approximately twice a year, the canopy will be used on the weekend for a youth fundraiser, also during daytime hours. Due to the proposed low frequency of the canopy's weekend use, and the fact that the proposed events will occur during daytime hours when nearby residents can be expected to be active and/or away from home, the Hearings Officer concludes that these activities will not significantly conflict with the appearance and function of residential areas, and will comply with Conditional Use Approval Criterion A.

With imposition of a condition of approval prohibiting amplification within the playground canopy at any time this criterion will be met.

B. Physical compatibility.

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

Findings: There are no City-designated scenic resources on the site, and therefore this criterion is not applicable.

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: Institutions such as churches and schools are generally inherently different from residential developments in appearance, scale, and site size. In this

case, the approximately 109,659 square foot Subject Site is surrounded by single-dwelling residences on lots ranging from approximately 7,000 to 19,000 square feet.

However, the Applicant notes that the scale and appearance of the Existing Modular, New Modular South and Canopy Modular will be mitigated in the following ways:

- The Existing Modular footprint will be altered with an addition that will project from the central portion of the modular's south wall adding variety to the south façade of the Existing Modular.
- The addition to the Existing Modular will have 1-foot eave overhangs which is more in keeping with the eave overhangs of nearby residential structures.
- A Cedar lattice screening structure will be added to the west façade of the Existing Modular to screen the HVAC equipment from view.
- The New Modular South were modified from that the originally proposed rectangular shape; the revised proposal has the New Modular South with an "L" shaped footprint. This change adds variety to the south face of the New Modular South.
- The New Modular South plans were changed, from the original proposal, to include four windows on the south facing façade instead of one. This modification adds variety to the design. In addition, the revised proposal for the New Modular South includes two windows on the east façade.
- The revised proposal also includes replacement of vertical siding with Hardiplank horizontal siding; which is more consistent with the character of houses in the surrounding area.
- The revised proposal includes brick wainscots at the base of the Existing Modular, New Modular South and Canopy Modular. The wainscot will provide and material and visual link between each of these buildings and the Church and is more in character with nearby residences.
- The revised proposal includes the replacement of eave overhangs on the New Modular South, Canopy Modular and the addition to the Existing Modular being extended from at or less than 6 inches to one-foot eave overhangs. The longer eave overhangs are more consistent with the nearby residences than the original proposal.
- The painting of the horizontal siding and trim on the Existing Modular, New Modular South and Canopy Modular to match the exterior walls and trim of the Church will visually unify the project.
- The revised proposal shows the Canopy to include siding at the top of its east and west gable ends. This revision has the effect of screening the view of the roof supports.
- The columns and trim will be painted to match the Church.
- The concrete masonry unit wall on the west side of the Canopy is proposed to be compatible with the color of the brick on the Church.

- The Canopy's location also exceeds the minimum 15-foot setback required from the north, east, and south property lines. The Canopy is closest to the south property line, with a setback of approximately 42 feet. However, a visual stepping-down of the Canopy's approximately 30-foot height will be provided by the Canopy Modular that will be located on the south side of the Canopy. In addition, the Canopy will be set back more than 150 feet from the north and east property lines.

The Hearings Officer finds, with the revisions proposed by Applicant in Exhibit H-12a, and sheets A1 and A2 of Exhibit H-13b proposed improvements will be physically compatible.

This criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby Residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: Applicant notes that with the proposed total student count of a maximum of 162 students there will be increases in the sounds of children playing and vehicles entering and leaving the site. The activity and noise associated with the school will occur primarily during school hours on weekdays.

The Canopy will not only be used during school hours but will also be used on some evenings and weekends, when nearby residents are more likely to be at home. (The proposed evening and weekend use of the Canopy was described in detail in this decision under the findings for Approval Criterion A.) Applicant suggests that evening and weekend use of the Canopy is unlikely to result in significant adverse impacts, including noise and glare impacts, on the livability of nearby residentially zoned lands for a number of reasons (Applicant's arguments paraphrased below):

- If the area beneath the playground Canopy is illuminated in the future, there is the potential for glare from the illumination. However, to prevent such impacts, the applicant proposes to utilize glare shields where required, to avoid impacting neighboring properties. The West Elevation of the Canopy depicts lights suspended from the Canopy's ceiling, outfitted with glare shields to direct light downward onto the ground beneath the Canopy and to prevent light from leaving the Subject Site.
- The Canopy will facilitate outdoor use of the property during times of the year when the weather is more inclement. However, during inclement weather, residential neighbors are less likely to be outdoors or to have their windows open, and thus will be less likely to be impacted by any noise produced from activity under the Canopy.

- An eight-foot tall concrete masonry unit (“CMU”) wall is proposed along the west boundary of the Canopy area, to attenuate noise. In addition, even if, in the future, Canopy expansion is permitted, the west boundary of the Canopy area will have a setback of 50 feet from the abutting residential property to the west. Furthermore, the landscaping along the west property line between the Canopy and the residential property to the west is proposed to be enhanced with additional trees, which will provide additional screening from light and glare.
- The Canopy Modular, which is proposed to be located on the south side of the Canopy, will also attenuate noise, and if the Canopy is illuminated, the Canopy Modular will block light impacts to the south.
- The Canopy has a setback of more than 150 feet from the north property line, and there is a substantial amount of proposed landscaping between the Canopy and the north property line, that will mitigate any possible noise and light impacts of the Canopy in that direction.
- The Canopy has a setback of more than 150 feet from the east property line, and the Church also lies between the Canopy and the east property line, mitigating any possible noise and light impacts of the Canopy in that direction.

BDS Staff noted (Exhibit H-4) that, if the canopy is eventually illuminated, the applicant’s proposed glare mitigation will be required to prevent glare impacts. Therefore, BDS Staff recommended a condition of approval requiring installation of glare shields on Canopy lighting, if the Canopy is illuminated. The Hearings Officer agrees with statements made, above, by Applicant and BDS Staff, and find that the proposal will not have significant adverse impacts, with conditions imposed, upon the livability of the nearby residential zoned lands due to noise, glare from lights, late-night operations, odors and litter.

The Hearings Officer finds this criterion is met.

2. Privacy and safety issues.

Findings: The proposed development is a reconfiguration of existing development (replacing existing paved parking with a playground canopy and two modular classroom buildings), so no additional privacy or safety issues will result.

The Canopy will be set back a minimum of 50 feet from the closest residential property. The Existing Modular (with addition), New Modular South and Canopy Modular will exceed the setback requirements from all property lines. Trees and shrubs are proposed to be added along the west, north, and south property lines, which will provide additional screening between the Canopy, Existing Modular, New South Modular and Canopy Modular and the adjacent residential properties.

This criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

Findings: PBOT's response to Applicant's proposal to have a NE Mason access point can be found in Exhibit E-2. In summary, PBOT found that with the NE Mason access point the proposal would be in conformance with the Transportation Element of the Comprehensive Plan. PBOT submitted a supplemental memorandum (Exhibit H-11a) addressing transportation impacts if no NE Mason access point was created. In summary, PBOT indicated that it had no objection to approval of the proposal without a NE Mason access point. The Hearings Officer also reviewed Exhibit 12c, a letter supplied by the Applicant's traffic engineer. The Applicant's traffic engineer also found the transportation impacts created by this proposal, without a NE Mason access point, to be minimal. The Hearings Officer incorporates Exhibits E-2, H-11a and H-12c as part of the findings for this approval criterion.

Based on responses submitted into the record of this case by PBOT and the Applicant's traffic engineer the Hearings Officer finds this 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: Regarding this criterion, PBOT's response, Exhibit E-2, stated that on May 4th, 2009, Main Street Engineering submitted an updated traffic and parking study based on the scaled-down project. (The original traffic study included the addition of high school classes, and the conversion of the proposed canopy into a gymnasium, as part of the proposal. However, these elements were subsequently deleted from the proposal before the application was accepted as complete).

The PBOT response contained the following information to address Criterion D.2:

- The current school proposal is for a maximum of 162 students.
- With the additional traffic from the proposed school use at the Subject Site the study intersection will continue to operate at a LOS A.
- The updated project site plan will reduce the existing on-site parking to 77 spaces. Using 80% utilization as the capacity constraint for on-site parking, the effective on-site parking capacity is 61 spaces. There are approximately 73 on-

street parking spaces adjacent to the site frontage, as described in the November 2008 traffic study. Therefore, the total parking supply that will be available after the completion of the development is 135 spaces.

- As described in the November 2008 traffic study, the total parking demand for the largest event is 134 parking spaces. Adequate parking is provided for the project. Subject Site circulation for vehicles and busses appears acceptable.
- The Applicant must implement an operational plan for pick up and drop off of students. Vehicles will be directed to enter and exit on NE Skidmore.
- The Applicant will implement a Transportation Demand Management (TDM) Plan incorporating the following measures:
 - Transportation Demand Management Plan. The primary purpose of a TDM plan is to implement strategies to reduce single-occupancy vehicle trips to the development and increase the use of alternative modes of transportation. The uses on the Subject Site include church and school uses, both of which have inherent characteristics of high vehicle occupancy. In addition, the parking study presented by Applicant showed that the available on-site and on-street parking spaces can adequately accommodate both the regular daily and special event parking demand. Nonetheless, the following TDM measures shall be implemented in order to further reduce single-occupancy vehicle trips to the church and the school.

Information Dissemination

1. Identify a designated permanent space on the bulletin board to attach bus schedules, bicycle maps, car-pool/van-pool opportunities, etc.
2. Designate a transportation coordinator who shall oversee the TDM plan, as well as maintain the school-bus schedule, manage on-site circulation during drop-off and pick-up time, etc.
3. Encourage car-pool/van-pool program by providing a forum for potential members to meet and know each other.

Parking Management

1. Prior to special events, inform neighboring residences about upcoming event, time of use of on-street parking and any other pertinent information.
2. For special events, assign volunteers at least 30 minutes before and after the event at key locations to control traffic and assist in efficient parking.

Transit

1. Ensure that relevant and updated bus schedules are available for patrons.
2. If possible, sell transit passes on site.

Ridesharing

1. Encourage employees, students and patrons to register with TriMet's carpool matching system.

2. Provide car-pool/van-pool matching services.
3. Provide preferential parking for car-pool/van-pool program participants.

Bicycling and Walking

1. Provide sidewalks along site-frontage to encourage pedestrian traffic.
 2. Provide adequate bicycle parking.
- The Subject Site is located between two transit routes, #71 is two blocks north on NE Prescott, and #22 is two blocks south on NE Shaver Street.
 - With the dedications and sidewalk improvements along the site's frontages, the transportation system will be able to safely support the proposed school expansion in addition to the existing uses in the area.

Based on the above information from the PBOT Exhibit E-2 response, PBOT's revised response in Exhibit H-11a, and Applicant's traffic engineer response in Exhibit H-12c the Hearings Officer finds that the proposal will comply with Criterion D.1 and D.2, with imposition of conditions of approval requiring implementation of: 1) access to the school and Church permitted on NE Skidmore only, and 2) the Transportation Demand Management Plan as outlined in the PBOT response and summarized above.

This 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 BES.

Findings: Responding service agencies expressed no objections to the proposal. The Hearings Officer finds that 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 BES.

This criterion is met.

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

Findings: The Subject Site is located within the boundaries of the Cully-Parkrose Community Plan (Plan). The Plan contains several policies. The only policy that is directly applicable to the proposal is Policy 7, Community Design. Policy 7 states, "The Community and Site Design Guidelines shall be used as a guide in land use and land division review and site review."

The Plan contains Community and Site Design Guidelines that are specific to identified subsections of the Cully-Parkrose community. The site is within the “Original Parkrose Subdivision.” The Community and Site Design Guidelines that apply to the “Original Parkrose Subdivision,” and the applicant’s responses to each, are as follows:

Community Design Guideline:

- 1) Place all utility lines underground.

Applicant: All new utility lines will be placed underground.

Site Design Guidelines:

- 1) Locate commercial and industrial site driveways away from adjacent residences, or provide buffers and landscaping to ameliorate glare, noise and heat reflection.

Applicant: The existing driveway on the site’s NE 112th Avenue frontage is being closed. Access to the school and Church will be via NE Skidmore Street.

- 2) Remove paved areas through the joint use of driveways, parking, and maneuvering areas.

Applicant: Significant amounts of pavement will be removed with the construction of the proposed buildings.

- 3) Encourage new residential developments to provide private outdoor recreation.

Applicant: This project is not a new residential development but rather a re-development of an institutional use in a residential area that will provide much opportunity for private outdoor recreation through the use of the covered playground.

Based on the above information, the Hearings Officer finds that the proposal is consistent with the Cully-Parkrose Community Plan.

This criterion is met.

33.805.010 Adjustments - Purpose

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 Adjustment 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 is requesting an Adjustment to allow the school to vary from the applicable pedestrian standards for institutional uses in single-dwelling zones. For sites with more than one street frontage, such as this site, the applicable pedestrian standards (Section 33.120.255) require a straight-line connection between the main entrance of each building on the site and the closest sidewalk, or roadway if there are no sidewalks, and an additional connection, which does not have to be a straight line connection, between each of the other streets and a pedestrian entrance.

The Church entrance is located on its east elevation. As shown on the site plan (Exhibit C-1), the Church's main entrance will connect to a proposed sidewalk along NE Skidmore Street via a pedestrian walkway with a roughly north-south orientation. However, this pedestrian connection is approximately 223 feet in length, which is more than 20 feet longer than the straight line distance between the entrance and the NE Skidmore Street frontage.

The New Modular South will have its main entrance on its north elevation. The New Modular South will also have a pedestrian connection to the proposed sidewalk along NE Skidmore Street. However, the pedestrian connection is not a straight line connection, and is approximately 390 feet in length, which is more than 20 feet longer than the straight line distance between the entrance and the NE Skidmore Street frontage.

The Canopy Modular will have its entrance on its south elevation. The Canopy Modular will have a pedestrian connection to both NE Mason Street and to NE Skidmore Street. However, neither connection will be a straight line connection. In addition, the connections to NE Mason and NE Skidmore are approximately 55 feet and 468 feet in length, respectively, which is more than 20 feet longer than the straight line distance to those respective streets.

Applicant requests an Adjustment to Section 33.120.255, to allow the pedestrian connections between the main entrances of the Church, New Modular South and Canopy Modular and the streets to be more than 20 feet longer or more than 120 percent of the straight line distance.

The purpose of the Pedestrian Standards regulation is stated in Section 33.120.255.A, as follows:

The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other

activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.

Applicant states that the request to allow the pedestrian connections between the building main entrances and the streets to be more than 20 feet longer or more than 120 percent of the straight line distance, equally meets the purpose of the regulation for the following reasons (paraphrased by the Hearings Officer below):

- The Church's main entrance will have a direct pedestrian connection to NE Skidmore Street, adjacent to the Subject Site's driveway access onto NE Skidmore. Although NE Mason Street is closer to the church's main entrance, that street is a dead-end street that will not have sidewalks in the foreseeable future, and is not perceived by the traveling public as the main entrance to the site. Although NE 112th has the highest transit classification of the streets fronting the Subject Site, NE Skidmore is perceived as the street associated with the main entrance to the Church. Providing a pedestrian connection between the main entrance to the Church and NE Skidmore meets the purpose of the regulation by providing the most efficient connection between the public sidewalk and main entrance to the Church.
- Deviation from a straight line connection is required to overcome existing grade differences between NE Skidmore and the main entrance to the Church. The required straight line distance between the main entrance to the Church and NE Skidmore is approximately 187 feet, and the ADA ramps needed to accommodate the grade change require approximately 223 feet. However, the connection between the Church entrance and NE Skidmore incorporates less walkway immediately adjacent to a traffic lane than a NE Mason alignment would. The cumulative effect of the connection to NE Skidmore and the increased distance to accommodate ADA requirements will not detract from the purpose this pedestrian facility serves in the residential zone.
- Although the Canopy Modular is only approximately 19 feet from NE Mason Street, there is a difference in grade between that modular's main entrance and NE Mason Street. To overcome this grade difference, a non-straight line connection, approximately 55 feet in length, is required between NE Mason Street and the main entrance.
- For the New Modular South, a straight line pedestrian connection is not being provided to NE Mason Street, because the entrance to that building faces north toward Skidmore. Instead, a pedestrian connection, approximately 390 feet in length, is being provided between the New Modular South and the proposed sidewalk along NE Skidmore Street (although the pedestrian connection to Skidmore is not a straight line connection due to intervening location of the church building). In addition, a non-straight line connection is being provided between the modular building and NE Mason, via a pedestrian

walkway across the driveway that links the pedestrian connection to NE Skidmore and the pedestrian connection that extends from the playground canopy to NE Mason.

In summary, the length of the pedestrian connections between building main entrances and streets must exceed the length standards for straight line connections, due to differences in grade between the site and the abutting streets, and accessibility requirements. Nonetheless, all of the buildings on the site will have pedestrian connections to the proposed sidewalk along NE Skidmore Street, and non-straight line connections to NE Mason Street. These connections are as short as practicable, given the building locations and the grade differences. Therefore, a safe, attractive, and useful pedestrian circulation system will be provided, and the requested Adjustment to the pedestrian standards will equally meet the purpose of the regulation.

This 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 Subject Site is within a residential zone. The Hearings Officer finds that the requested Adjustment to the pedestrian standards will not significantly detract from the livability or appearance of the residential area. Pedestrian connections are proposed between building main entrances and the frontages of NE Skidmore Street and NE Mason Street. The length of the pedestrian connections exceeds the Zoning Code standard, due to grade differences between the site and the street. However, the somewhat longer length of the on-site pedestrian connections has no negative impact on their appearance or the appearance of the Subject Site as a whole, when viewed from the surrounding area.

This 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 the pedestrian standards) is being requested. Therefore this criterion is not applicable.

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

Findings: The site does not contain any City-designated scenic or historic resources, therefore this criterion is not applicable.

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

Findings: No impacts are anticipated from the requested Adjustment. Although the length of the pedestrian connections will exceed the amount specified by the standard, this will result in no negative visual impacts, and the connections will still serve their intended function. This 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: The site is not within an Environmental zone. Therefore, this criterion is not applicable.

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

The application in this case proposes to legalize a school use on the Subject Site and identifies new construction and modifications to existing improvements for the purpose of providing a school use (K through and including 8th grade). The Subject Site has been used for church purposes since 1962.

Persons opposed to this application were, in the opinion of the Hearings Officer, primarily concerned with two issues: (1) the proposed NE Mason access point and (2) the appearance of “modulars” proposed to be placed on the Subject Site. Applicant agreed, in Exhibit H-12a to remove/eliminate the NE Mason access point from its proposal. The Hearing Officer finds that Applicant’s removal of the NE Mason access point eliminated the primary objection to the proposal. The second issue raised related to the appearance of proposed modular units to be placed on the Subject Site to be used for classrooms. The Hearings Officer took note of photos (Exhibits H-9, H-9a, H-9b and H-9c) and concurred that the Existing Modular has an appearance that would support the opponents concerns about visual appearance. However, Applicant supplied revised narrative/plans (Exhibits H-12a, and H-13 through H-13g) addressing many of the opponents’ concerns. The Hearings Officer found, with the revisions made by Applicant, appearance concerns raised by opponents about the new construction of classrooms (and modification of the Existing Modular classroom building) are adequately mitigated. The approval granted in this decision is subject to the Applicant making improvements consistent with its revised narrative/plans (Exhibits H-12a, and H-13 through H-13g).

The Hearings Officer found that all relevant approval criteria were met or could be met with the imposition of condition(s).

IV. DECISION

Approval of:

A Conditional Use Review to allow the following:

- 1) A school with grades kindergarten through 8th grade to operate on the Subject Site, with a maximum student count of 162 and maximum full-time equivalent staff count of 20;
- 2) The addition of a playground Canopy structure in substantial conformance with Exhibit H-13b and H-13g;
- 3) The addition of a Canopy Modular on the south side of the playground Canopy in substantial conformance with Exhibits H-13b, H-13g and H-13h;
- 4) The addition of New Modular South in substantial conformance with Exhibits H-13b and H-13g;

An Adjustment Review to allow the following:

- 1) The Church and school main entrance to have a pedestrian connection to NE Skidmore Street that is approximately 223 feet in length, which is more than 20 feet longer than the straight line distance between the entrance and the street;
- 2) The entrance of the Canopy Modular to have pedestrian connections to NE Mason and NE Skidmore that are approximately 55 feet and 468 feet, respectively, which is more than 20 feet longer than the straight line distance between the entrance and those streets;
- 3) The entrance of the New Modular South to have a pedestrian connection to NE Skidmore Street that is approximately 390 feet in length, which is more than 20 feet longer than the straight line distance between the entrance and that street;

SUBJECT to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) 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 08-177024 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Implementation of an operational plan for vehicular access from NE Skidmore for dropping off and picking up students (no vehicular access point to the Church/school/parking lot is granted is approved as part of this decision).

- C. Implementation of the Transportation Demand Management Plan as set forth in the Bureau of Transportation response consistent with Hearings Officer findings for 33.815.105 D.2 of this decision.
- D. The playground Canopy must have a minimum setback of 50 feet from the west property line.
- E. Amplification within the playground Canopy area is prohibited at all times.
- F. Weekend and evening use of the playground canopy (frequency, attendance, and start/end times) must not exceed the amounts shown in the revised canopy use schedule set forth in the Hearings Officer findings for 33.815.105 A.2 of this decision.
- G. If the Canopy is illuminated, glare shields must be installed on all canopy lighting to prevent off-site lighting and glare impacts.

Gregory J. Frank, Hearings Officer

Date

Application Deemed Complete: May 8, 2009
Report to the Hearings Officer: September 4, 2009
Decision Mailed: October 23, 2009
Last Date to Appeal: 4:30 p.m., November 6, 2009
Effective Date (if no appeal): November 9, 2009 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 (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 \$3,927.00 will be charged (one-half of the application fee for this case).** 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.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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.

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. Project Summary
 - 2. Narrative
 - 3. Building & Grounds – Church and School Usage
 - 4. Preliminary Stormwater Report
 - 5. Traffic Impact Study, dated November 2008
 - 6. Letter of Addendum to Traffic Impact Study, dated May 4, 2009
 - 7. E-mail from Rebecca Geisen (Water Bureau), dated July 17, 2008, regarding Columbia South Shore Well Field Wellhead requirements
 - 8. Applicant Request to Place the Application on “Hold” from May 8, 2009, to June 15, 2009
 - 9. Revised Canopy Usage Chart, dated July 23, 2009
 - 10. Request to Reschedule Hearing and Hold Record Open from August 5, 2009 to September 16, 2009
 - 11. Revised Canopy Usage Chart, dated August 28, 2009
- B. Zoning Map (**attached**)
- C. Plans & Drawings
 - 1. Site Plan
 - 2. Elevation & Floor Plan of Proposed Modular on South Side of Church Building, and Floor Plan of Proposed Playground Canopy & Proposed Modular on South Side of Canopy
 - 3. Elevations of Proposed Playground Canopy & Proposed Modular on South Side of Canopy
- 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
 - 7. Revised posting letter sent to applicant, dated July 27, 2009
 - 8. Revised notice to be posted, mailed July 27, 2009
 - 9. Applicant's statement certifying posting, dated July 29, 2009
 - 10. Mailing list for September 16, 2009 hearing
 - 11. Mailed notice for September 16, 2009 hearing
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Site Development Review Section of Bureau of Development Services
 - 4. Life/Safety Plan Review Section of Bureau of Development Services
 - 5. Water Bureau
 - 6. Fire Bureau
 - 7. “No concerns” response from Bureau of Parks - Forestry Division

F. Letters

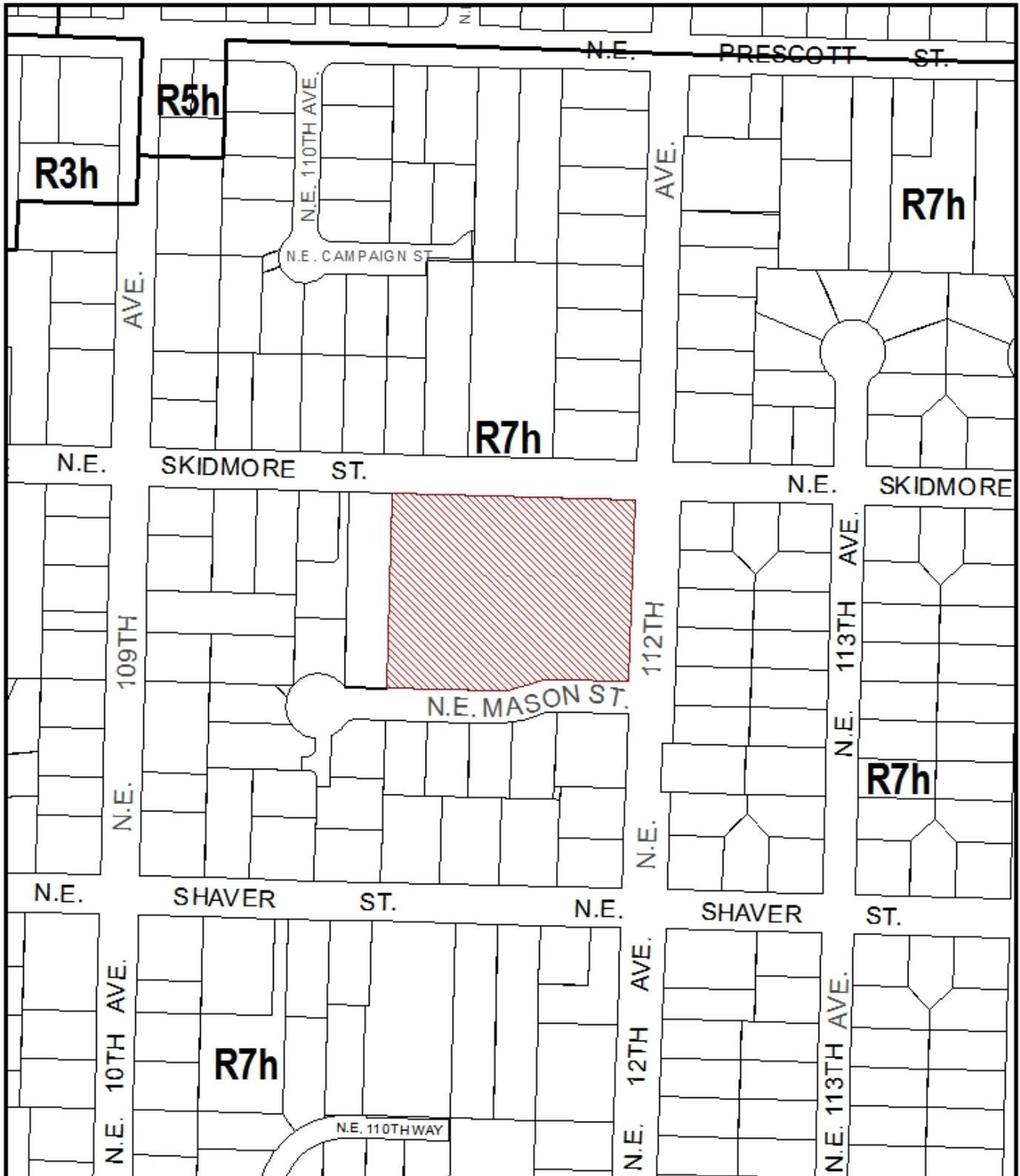
1. Donald J. Zarosinski, September 3, 2009, expressed objections to the proposal.

G. Other

1. Original LUR Application
2. Site History Research

H. Received in the Hearings Office

1. Hearing notice - Savin, Suzanne
2. Request to reschedule - Savin, Suzanne
3. Rescheduled hearing notice - Savin, Suzanne
4. Staff Report - Savin, Suzanne
5. 9/3/09 letter, Zarosinski to Savin - Savin, Suzanne
6. 9/15/09 Memo - Savin, Suzanne
7. PowerPoint presentation printout - Savin, Suzanne
8. 9/3/09 letter from Donald Zarosinski - Zarosinski, Dean
9. Photo - McInnis, Robert
 - a. Photo - McInnis, Robert
 - b. Photo - McInnis, Robert
 - c. Photo - McInnis, Robert
10. Page 3 of letter - Vandiver, Ray
11. 9/30/09 Memo with attachment - Savin, Suzanne
 - a. 9/30/09 Memo from Robert Haley, PBOT - Savin, Suzanne
12. 9/30/09 Memo with attachments - Symons, Dan
 - a. 9/30/09 Memo - Symons, Dan
 - b. Neighboring Housing Styles/Our Savior Lutheran/Faithful Savior Ministries Building Styles - Symons, Dan
 - c. 9/21/09 letter from Chris Christofferson, Main Street Engineering - Symons, Dan
 - d. Two-Way Stop Control Summary - Symons, Dan
13. Large plans - Title Sheet - Symons, Dan
 - a. Large plans - Demo & Existing Conditions Plan - Symons, Dan
 - b. Large plans - Preliminary Site Plan - Symons, Dan **(8 1/2" x 11" size with markups attached)**
 - c. Large plans - Preliminary Grading Plan - Symons, Dan
 - d. Large plans - Preliminary Utility & Drainage Plan - Symons, Dan
 - e. Large plans - Preliminary Landscaping Plan - Symons, Dan
 - f. Large plans - Existing Basement, 1st & Modular Floor Plans - Symons, Dan
 - g. Large plans - Canopy & Modular Building Floor Plans - Symons, Dan **(8 1/2" x 11" size attached)**
 - h. Large plans - Exterior Elevations & Street Section Detail - Symons, Dan **(8 1/2" x 11" size attached)**
14. Memo - Frank, Paul - Submitted After Record Closed

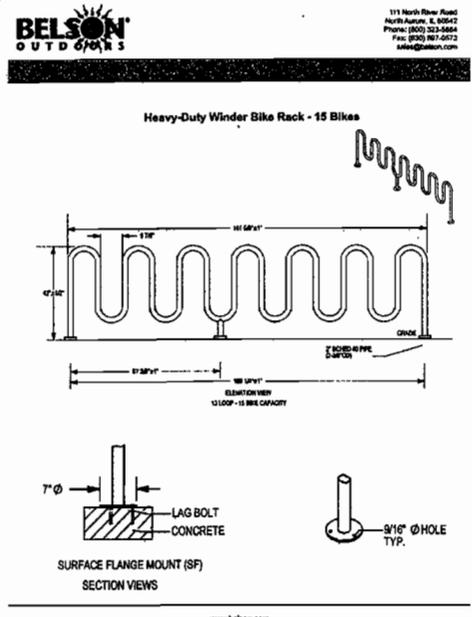
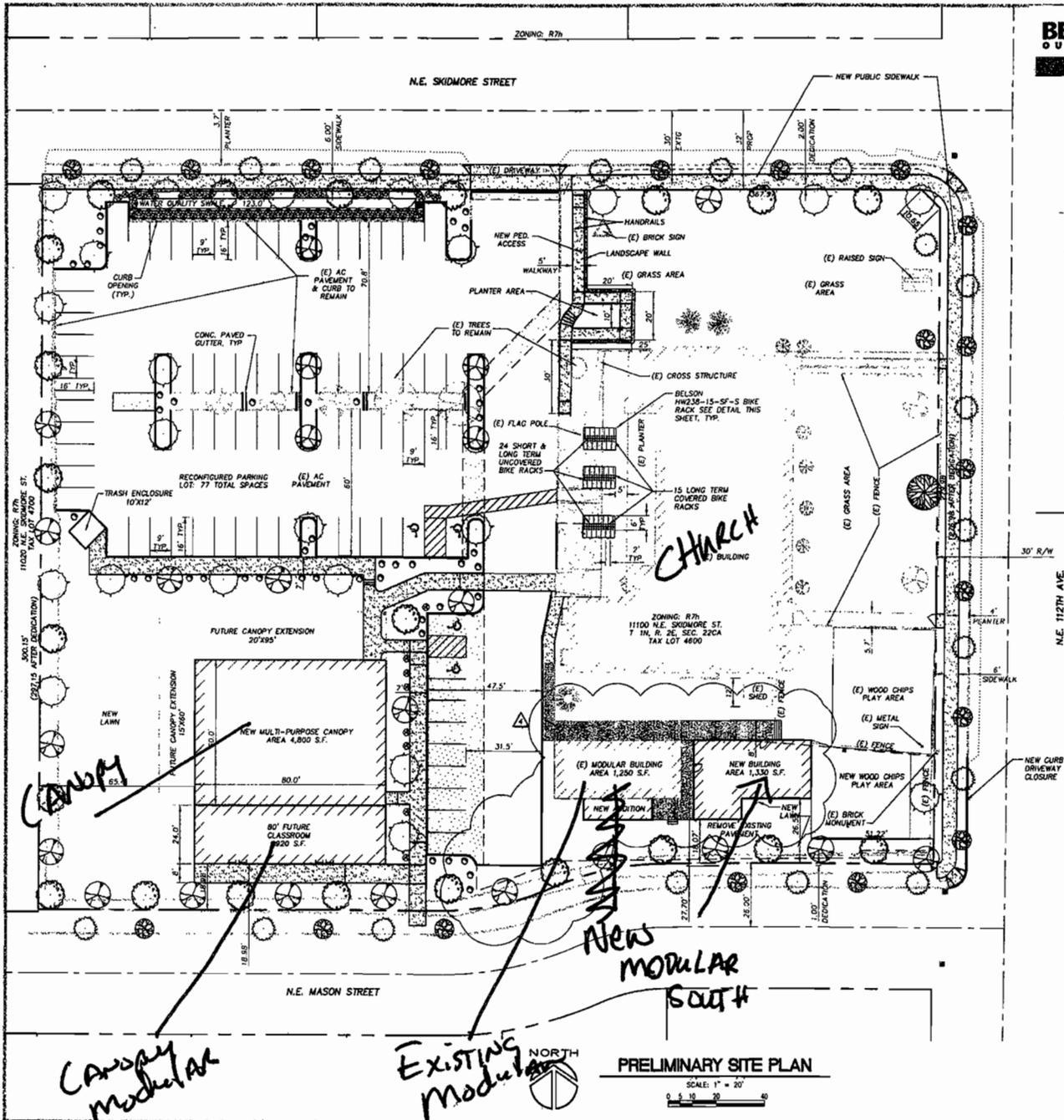


ZONING

 Site



File No. LU 08-177024 CU,AD
 1/4 Section 2641,2642
 Scale 1 inch = 200 feet
 State_Id 1N2E22CA 4600
 Exhibit B (Nov 13,2008)



BELSON
OUTDOOR PRODUCTS

111 North River Road
North Andover, MA 01857
Phone: (802) 223-2884
Fax: (802) 881-5512
sales@belson.com

CLIENT
FAITHFUL SAVIOR MINISTRIES
1100 NE SKIDMORE ST
PORTLAND, OR 97220
(503) 257-9409

PROJECT
**FAITHFUL SAVIOR MINISTRIES CLASS/
CANOPY ADD.**

SITE ADDRESS
**1100 NE SKIDMORE ST
PORTLAND, OR 97220**

SHEET NAME
PRELIMINARY SITE PLAN

REVISION

△	8/4/08	ISSUED FOR PRE-APPLICATION
△	11/03/08	ISSUED FOR C.U. APPLICATION
△	5/8/09	REVISED FOR C.U. APPLICATION
△	6/11/09	REVISED FOR C.U. APPLICATION
△	9/30/09	REVISED PER C.U. HEARING

ISSUE DATE **SEPTEMBER 30, 2009**

DRAWING FILE **27052c.DWG**

PROJECT NUMBER **27052**

SHEET **3**

OF 9 SHEET

RECEIVED
SEP 30 2009
HEARINGS OFFICE

NOT FOR CONSTRUCTION

SEC

SYMONS ENGINEERING
CONSULTANTS, INC.

12805 s.e. foster road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1962

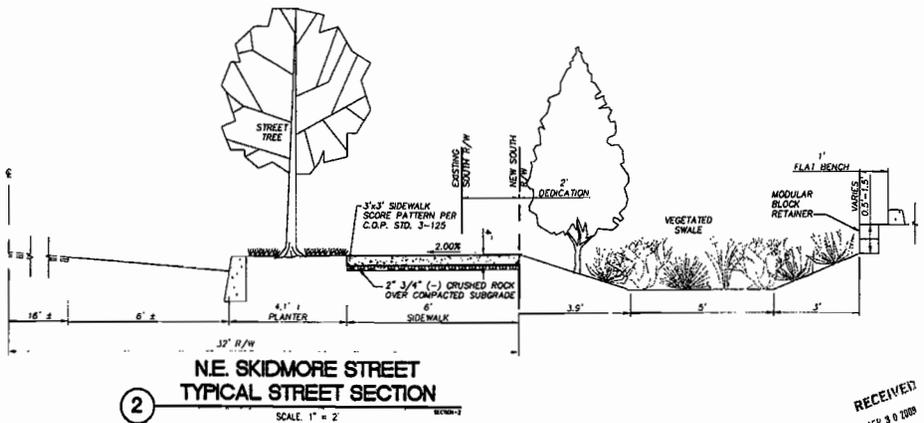
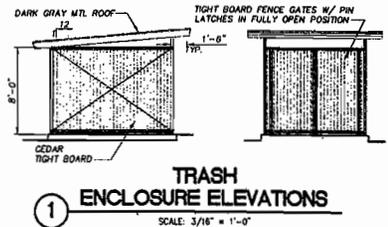
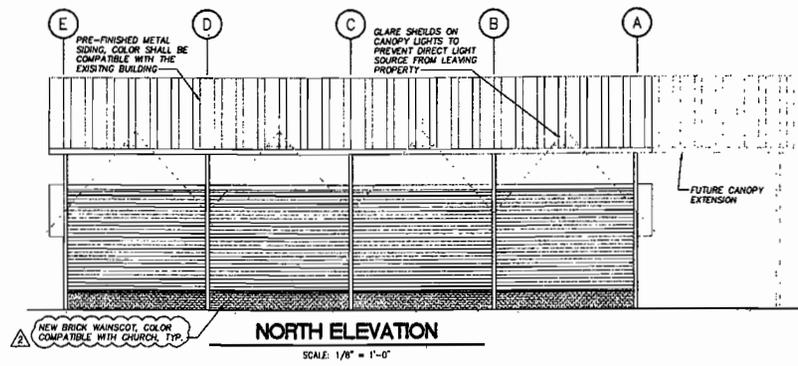
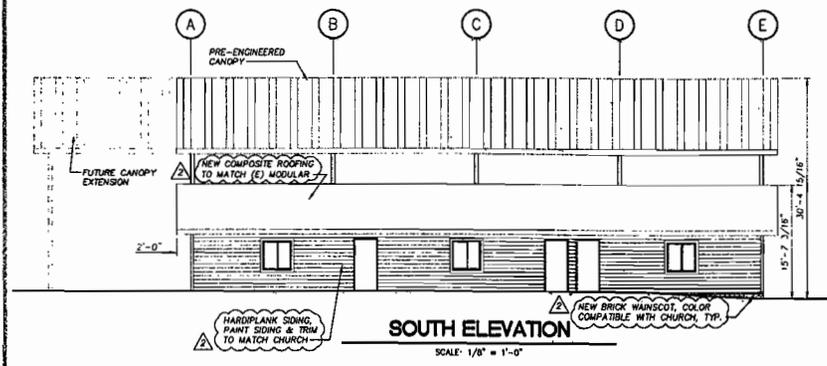
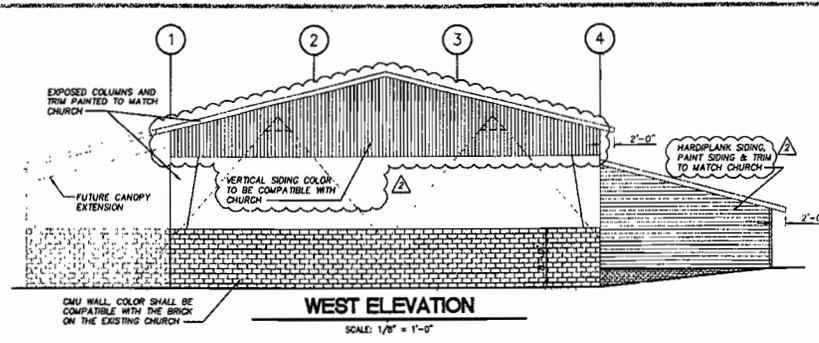
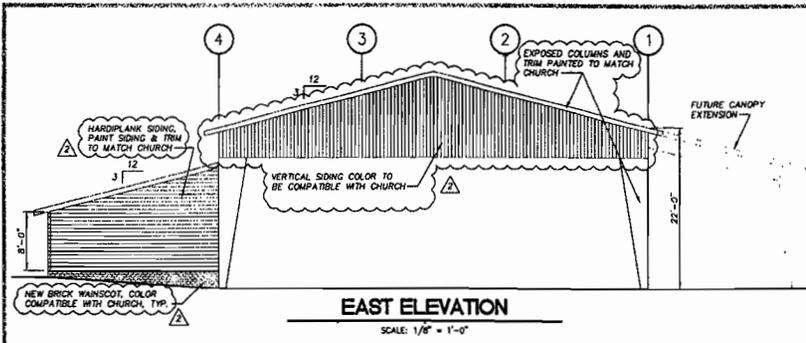
PRELIMINARY SITE PLAN

SCALE: 1" = 20'

0 10 20 40

C1

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-13b
Case # 4090019
Bureau Case # 08-177024 CU AD



SEC
 SYMONS ENGINEERING
 CONSULTANTS, INC.

12805 a.e. foster road
 portland, oregon 97236
 phone 503 760 1353
 facsimile 503 762 1962

CLIENT
 FAITHFUL SAVIOR MINISTRIES
 1100 NE SKIDMORE ST
 PORTLAND, OR 97220
 (503) 257-9409

PROJECT
 FAITHFUL SAVIOR
 MINISTRIES CLASS/
 CANOPY ADD.

SITE ADDRESS
 1100 NE SKIDMORE ST
 PORTLAND, OR 97220

SHEET NAME
 EXTERIOR
 ELEVATIONS & STREET
 SECTION DETAIL

REVISION

△	11/05/08	ISSUED FOR C.U. APPLICATION
△	5/8/09	REVISED FOR C.U. APPLICATION
△	9/30/09	REVISED PER C.U. HEARING
△		
△		

ISSUE DATE SEPTEMBER 30, 2009
 DRAWING FILE 27052a.cwg
 PROJECT NUMBER 27052
 SHEET 9

RECEIVED
 SEP 30 2009
 HEARINGS OFFICE

NOT FOR CONSTRUCTION

CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-13h
 Case # 4090019
 Bureau Case # 08-177024 CU AD

A2