



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: October 16, 2012
To: Interested Person
From: Sylvia Cate, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-159728 CU

GENERAL INFORMATION

Applicant: Peter Fry,
2153 SW Main St #105 / Portland OR 97205

Applicant/Owner: Paul Anderson, Program Manager / Skate Church
11954 NE Glisan St / Pmb #516 / Portland OR 97220

Owner: Central Bible Church, Property Owner
8815 NE Glisan St / Portland, OR 97220-5861

Site Address: 8815 NE GLISAN ST

Legal Description: TL 9600 3.29 ACRES, SECTION 33 1N 2E; TL 9300 1.56 ACRES, SECTION 33 1N 2E

Tax Account No.: R942330240, R942334640

State ID No.: 1N2E33BD 09600, 1N2E33BD 09300

Quarter Section: 2939

Neighborhood: Montavilla, contact Lewis Scholl at 503-258-0312.

Business District: Eighty-Second Avenue, contact Ken Turner at 503-484-6225.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: R2a: Multi-Dwelling Residential 2,000 with Alternative Design Density overlay

Case Type: CU: Conditional Use

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The Central Bible Church proposed to locate an outdoor skateboard facility on a vacant portion of their property in 1993 [LUR 93-00238] which was approved, with conditions of approval by the City's Hearings Officer. Subsequently, the Church requested a modification of the original approval that would allow enclosing the outdoor facility within a building and expansion of operating hours [LUR 93-00840 CU]. That request was denied and appealed by the Church. On appeal, the Hearings Officer approved the request to enclose the outdoor skateboard facility and operating hours to 9:00 PM year round, with conditions of approval.

The Church has submitted the current Conditional Use application to fulfill Condition of Approval F imposed by LUR 93-00840 CU, which states:

F. Within six months after issuance of an occupancy permit for the enclosed skateboard facility, Central Bible Church will be required to apply for a generic Type II land use review, using only the approval criteria of 33.815.105 C.1., to evaluate the off-site impacts and hours of operation of the skateboard facility. The applicant must provide at least the following information as part of that review:

1. Documentation of noise levels: Certification by a certified acoustical engineer that the facility complies with the regulations of Title 18, Nuisance and Noise Abatement. In the event monitoring of the noise levels indicates that the facility does not comply with those regulations, the applicant will be required to insulate the building as necessary to bring the facility into compliance with Title 18.

2. Documentation of usage: How many people use the facility per day? What are the peak usage times, days and months? How do the participants get to the facility (drive, walk, bus, skateboard, etc.)?

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criterion is: 33.815.105.C.1, specific applicable criterion per previous Condition of Approval, described above.

ANALYSIS

Site and Vicinity: The site is approximately 6.2 acres in area with frontage along NE Glisan and NE 90th Avenue. The site is developed with a three-story church building and associated parking lots. Single dwelling homes abut the site to the west, but are screened from the facility by a mature row of pine trees along the west property line of the site. West and north of the site is the Multnomah Bible College campus.

Zoning: The site is zoned R2a: Multi-Dwelling Residential 2,000 with Alternative Design Density overlay. The uses on the site, including the skateboard facility, are approved conditional uses.

Land Use History: City records indicate that prior land use reviews include the following:

LUR 93-00840 CU, which approved the skateboard facility with conditions. The current Type II CU review is required by condition F of that approval.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed September 14, 2012. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 13, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Condition of Approval F imposed by LUR 93-00840 CU:

F. Within six months after issuance of an occupancy permit for the enclosed skateboard facility, Central Bible Church will be required to apply for a generic Type II land use review, using only the approval criteria of 33.815.105 C.1., to evaluate the off-site impacts and hours of operation of the skateboard facility. The applicant must provide at least the following information as part of that review:

1. Documentation of noise levels: Certification by a certified acoustical engineer that the facility complies with the regulations of Title 18, Nuisance and Noise Abatement. In the event monitoring of the noise levels indicates that the facility does not comply with those regulations, the applicant will be required to insulate the building as necessary to bring the facility into compliance with Title 18.

Findings: The applicant has submitted an Acoustical Study and Analysis of the facility to the satisfaction of the City's Noise Officer, and hence, the facility complies with Title 18. This portion of the Condition of Approval is satisfied. The applicant notes that the building has been fully insulated and is finished with walls of ¼ inch plywood.

2. Documentation of usage: How many people use the facility per day? What are the peak usage times, days and months? How do the participants get to the facility (drive, walk, bus, skateboard, etc.)?

Findings: The applicant has submitted a traffic study as well as documentation of hours of operation, the number of attendees and days of the activity. The report includes documentation of modal splits among attendees. The required information is provided. This portion of the Condition of Approval is satisfied.

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.

CONCLUSIONS

The applicant has fully insulated the facility and further improved the interior with ¼ inch plywood walls. An acoustical study conducted by a licensed acoustical engineer has been submitted and is found compliant with Title 18 by the City's Noise Officer. A traffic study as well as detailed documentation of operations, modal splits, hours of operation and special events has also been provided. The applicant has fully satisfied the requirements of Condition of Approval F imposed by LUR 93-00840 CU.

ADMINISTRATIVE DECISION

Approval of:

- Acoustical Study, Traffic Study, and documentation of operations which satisfies Condition of Approval F of LUR 93-00840 CU, per the approved site plan, Exhibits C-1, signed and dated October 11, 2012, subject to the following conditions:
- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-159728 CU."

Staff Planner: Sylvia Cate



Decision rendered by: _____ **on October 11, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 16, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 13, 2012, and was determined to be complete on **September 10, 2012**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 13, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 11, 2013**.

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

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 30, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **October 31, 2012**.
- 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

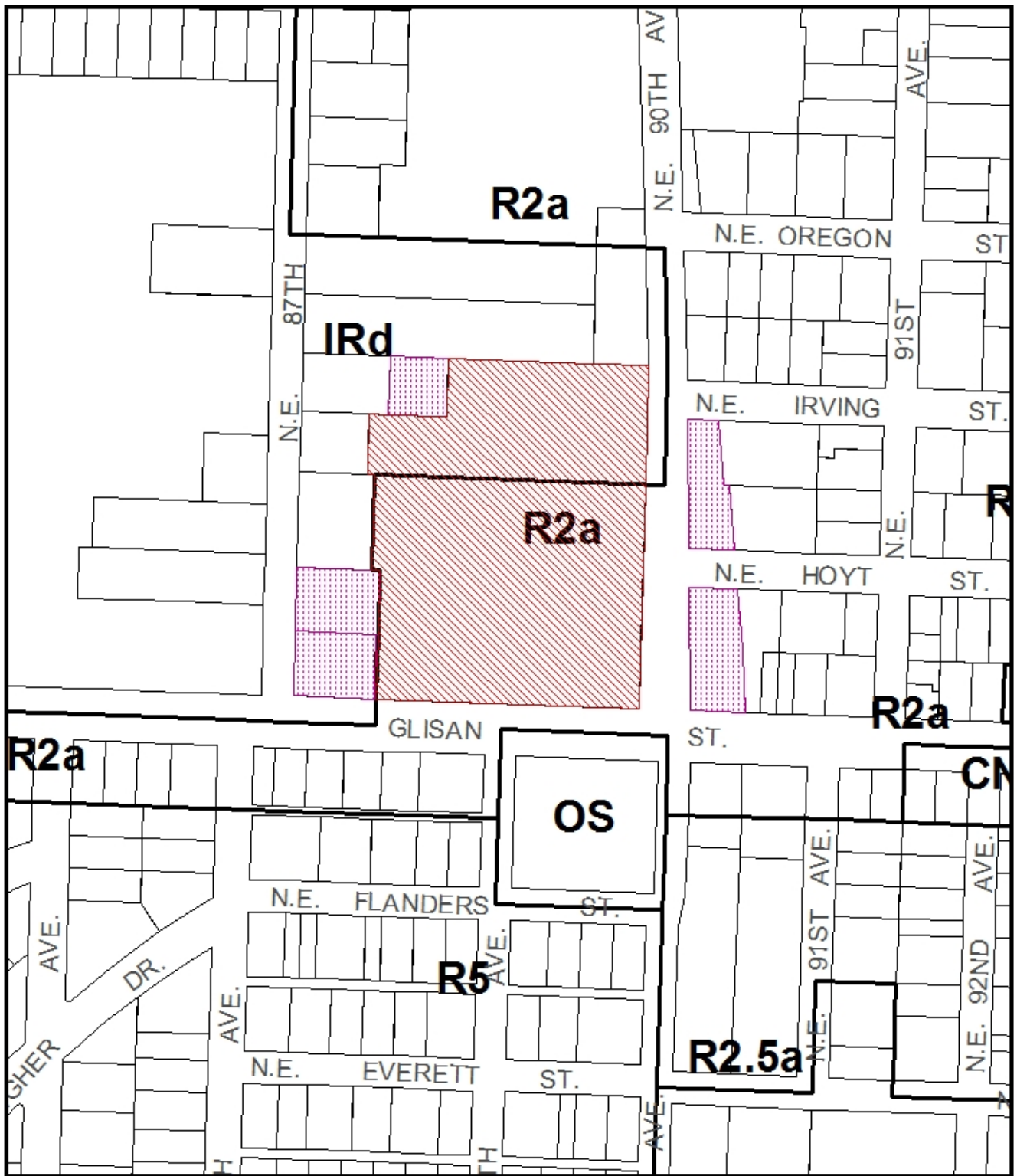
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING

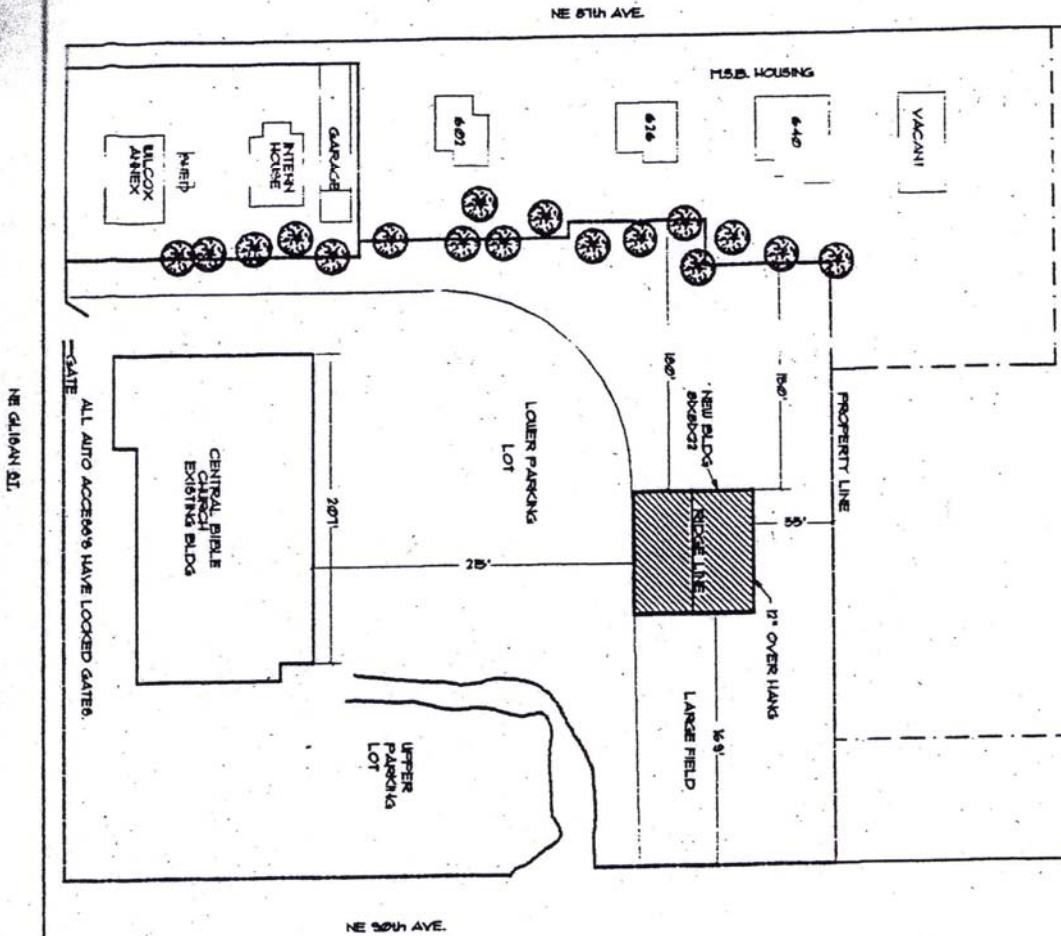
-  Site
-  Also Owned



File No. LU 12-159728 CU
 1/4 Section 2939,3039
 Scale 1 inch = 200 feet
 State_Id 1N2E33BD 9600
 Exhibit B (Jul 19,2012)

LU 12-159728 CU

LUR 93-00840 CU



(PAUL ANDERSON)
293-1434

CENTRAL BIBLE CHURCH
8818 NE CLIBAN
PORTLAND OR 97220

LEGAL DESCRIPTION SECTION 33N2E
ZONE B-R (R23)

TOTAL AREA 6.2 AC.

SCALE IN FEET
0 40' 80' 120'

CONDITION OF LUR 93-00238 CU
IS SATISFIED

Approved
City of Portland
Bureau of Development Services

Planner [Signature]

Date 10 11 2012

* This approval applies only to the reviews requested and is subject to all conditions of approval. Zoning requirements may apply.

LOT PLAN

[Small rectangular stamp]

CENTRAL BIBLE CHURCH

[Small rectangular stamp]

EXHIBIT C