



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: July 25, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010 / Andrew.Gulizia@portlandoregon.gov

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 14-169298 CU

GENERAL INFORMATION

Applicant: Michael Cerbone
Cardno
5415 SW Westgate Dr.
Portland, OR 97221

Property Owner: James E. Sweeney
North Portland Bible College
4905 N Vancouver Ave.
Portland, OR 97217

Site Address: Adjacent to 4905 N Vancouver Ave.

Legal Description: BLOCK 1 LOT 1 EXC PT IN ST LOT 2&3, CENTRAL ALBINA ADD;
BLOCK 1 LOT 4 EXC PT IN ST LAND ONLY SEE R131381
(R147000041) FOR BILLBOARD, CENTRAL ALBINA ADD

Tax Account No.: R131379, R131380

State ID No.: 1N1E22AC 15900, 1N1E22AC 15800

Quarter Section: 2530

Neighborhood: Humboldt, contact Brian Murtagh at 503-962-9194

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032

District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030

Plan District: None

Zoning: CN2 – Neighborhood Commercial 2

Case Type: CU – Conditional Use Review

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

Proposal: Tax lots 15800 and 15900 were part of the site of a Conditional Use Review approved in 1994 for North Portland Bible College (Case File LUR 93-00793 CU AD). These two tax lots were not subsequently developed by the College, and the applicant now proposes to detach these lots from the original Conditional Use site. Pursuant to Zoning Code Section 33.815.040.B.2.a, a Type II Conditional Use Review is required for this modification.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are in Section 33.815.105: Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone. (Since the North Portland Bible College campus is partly in the R1 zone, these are the criteria under which Case File LUR 93-00793 CU AD was reviewed.)

ANALYSIS

Site and Vicinity: The site is comprised of two vacant lots fronting on N Ganterbein Avenue to the west, N Alberta Street to the north, and N Vancouver Avenue to the east. Part of the campus of North Portland Bible College abuts the site to the south. The surrounding neighborhood is developed with a mixture of commercial, multi-dwelling, and single-dwelling residential uses. The applicant proposes in separate building permit applications to construct townhomes on this site.

Zoning: The site is designated with the CN2 (Neighborhood Commercial 2) zone. Commercial zones generally seek to promote uses and developments that will enhance the economic viability of both the City and neighborhood. The CN2 zone in particular is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses that will provide services for the nearby residential areas, and on other uses that are small scale and have little impact.

Land Use History: City records indicate one prior land use review for this site. Case File LUR 93-00793 CU AD approved a Conditional Use Review for North Portland Bible College to expand onto tax lots 15800 and 15900. LUR 93-00793 CU AD also approved an Adjustment to the front setback for a structure on tax lot 15500.

Agency Review: A “Notice of Proposal” was mailed June 27, 2014. The following Bureaus have responded with no concerns about the proposal:

- Bureau of Environmental Services;
- Bureau of Transportation Engineering;
- Water Bureau;
- Police Bureau;
- Site Development Section of BDS;
- Life Safety Review Section of BDS; and
- Bureau of Parks-Forestry Division.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed “Notice of Proposal.”

ZONING CODE APPROVAL CRITERIA

Conditional Uses

33.815.010 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
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: No specific uses are proposed with this Conditional Use application, although townhomes are proposed for this site in separate building permit applications. The removal of tax lots 15800 and 15900 from the original Conditional Use site for North Portland Bible College will allow development of these lots consistent with their CN2 (Neighborhood Commercial 2) zoning. The CN2 zone permits a variety of uses, including Household Living. Without this application, development of these lots would be limited to Institutional uses related to the College. Therefore, this Conditional Use application will not reduce the proportion of Household Living uses in the area, nor will it impact the appearance or function of the residential area. This criterion is met.

B. Physical compatibility.

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

Findings: No City-designated scenic resources are present at the site. 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

Findings: The proposal to remove tax lots 15800 and 15900 from the original Conditional Use site for North Portland Bible College does not affect the site's physical compatibility with neighboring residential areas. Development of these vacant lots must meet the building scale, design, setbacks, and landscaping requirements of the CN2 zone, or obtain Adjustments through a separate land use review. This criterion is not applicable.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: Since no development is proposed as part of this Conditional Use application, no mitigation related to physical compatibility is necessary. This criterion is not applicable.

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

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

2. Privacy and safety issues.

Findings: Future owners, property managers, and/or residents of this site will be required to maintain compliance with various regulations in the Portland City Code related to nuisances and livability. Since no specific development of these lots is proposed as part of this application, this criterion is not applicable.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposal 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: The site abuts three streets: N Ganterbein Avenue to the west, N Alberta Street to the north, and N Vancouver Avenue to the east. The classifications of these streets, as identified in the Transportation Element of the Comprehensive Plan, are as follows:

Street	Traffic	Transit	Bikeway	Pedestrianway	Freight
N Ganterbein Ave	Local Service	Local Service	Local Service	Local Service	Local Service
N Alberta St	Local Service	Community Transit Street	Local Service	Local Service	Local Service
N Vancouver Ave	Neighborhood Collector	Transit Access Street	City Bikeway	City Walkway	Local Service

Because this application is only to detach this site from the original Conditional Use site for North Portland Bible College, no specific development is approved as part of this review. Therefore, this approval will result in no changes to the density or intensity of any land use and no changes to traffic levels or demand for transit, bike, pedestrian, or freight facilities. Future development of this site will be subject to review by the Portland Bureau of Transportation (PBOT) for consistency with the street classifications and for the adequacy of the transportation system to support the proposed development. As part of future building permit or land use reviews for development, PBOT may require improvements to existing transportation infrastructure if warranted. Since the current Conditional Use application does not include any specific development plan, and future development will be subject to PBOT review and approval, criteria 1 and 2 above are met.

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

Findings: As discussed above, this Conditional Use application does not include any specific development plan. Rather, this approval will allow development of this site consistent with its CN2 zoning. The Police Bureau reviewed this proposal and had no concerns. Future building permit or land use reviews for development on this site will be subject to review by the Water Bureau and the Bureau of Environmental Services to ensure the adequacy of water, sewer, and stormwater disposal facilities to serve the proposed development. Infrastructure improvements may be required if warranted. The Life Safety Review Section of BDS will review development proposals to ensure compliance with Building Code requirements related to fire protection and safety. Since the current application does not include

any specific development plan, and separate reviews will assure the adequacy of public services for future development, 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 site is within the boundaries of the Humboldt Neighborhood Plan and the Albina Community Plan. Two Plan objectives are found to be relevant to this application:

Humboldt Neighborhood Plan Policy 8 (Land Use), Objective 4:

“Promote the productive use of vacant land.”

Albina Community Plan Policy Area 1 (Land Use), Policy D (Economic Development), Objective 5:

“Foster the establishment of new small businesses and housing developments, particularly on land that is vacant or underutilized.”

Without this application, this site, which has been vacant for many years, could only be developed with Institutional uses related to North Portland Bible College. Unless and until the College decided to expand, the land would remain vacant. Approval of this application will allow this site to be developed independently of the College, consistent with its CN2 zoning. Therefore, the application is consistent with the Humboldt Neighborhood Plan and the Albina Community Plan, and this criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

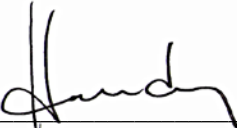
CONCLUSIONS

The applicant proposes to detach tax lots 15800 and 15900 from the Conditional Use site approved for North Portland Bible College in 1994 (Case File LUR 93-00793 CU AD). This proposal meets all of the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of the Conditional Use application to remove the site from the previous Conditional Use site approved in Case File LUR 93-00793 CU AD, per the approved site plan, Exhibit C-1, signed and dated July 23, 2014.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on July 23, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 25, 2014

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 June 13, 2014, and was determined to be complete on June 25, 2014.

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 June 13, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: October 23, 2014.**

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 August 8, 2014**, at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **August 11, 2014**.
- 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:

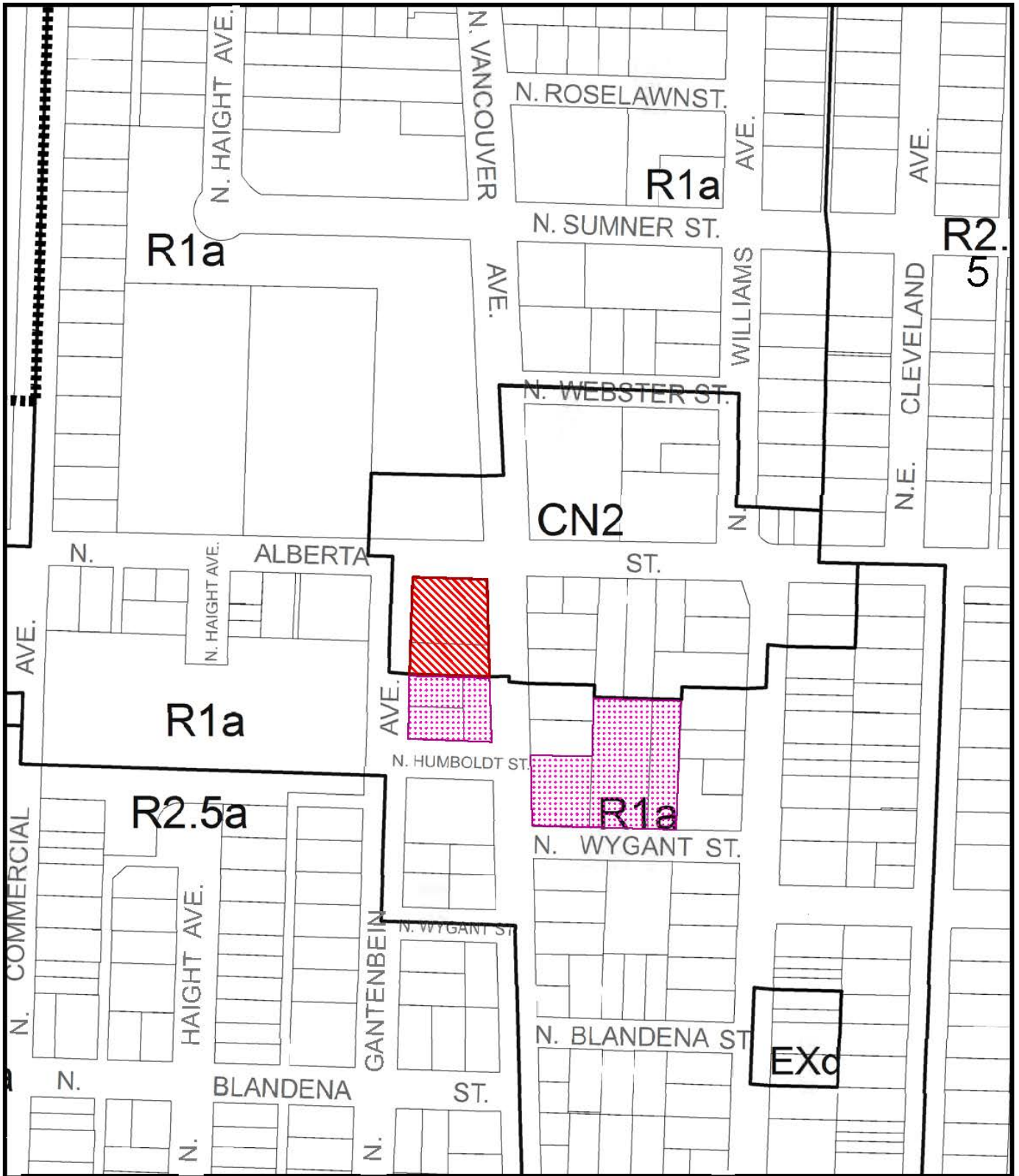
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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. Police Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence – none received
- G. Other:
 - 1. Original LU application

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).

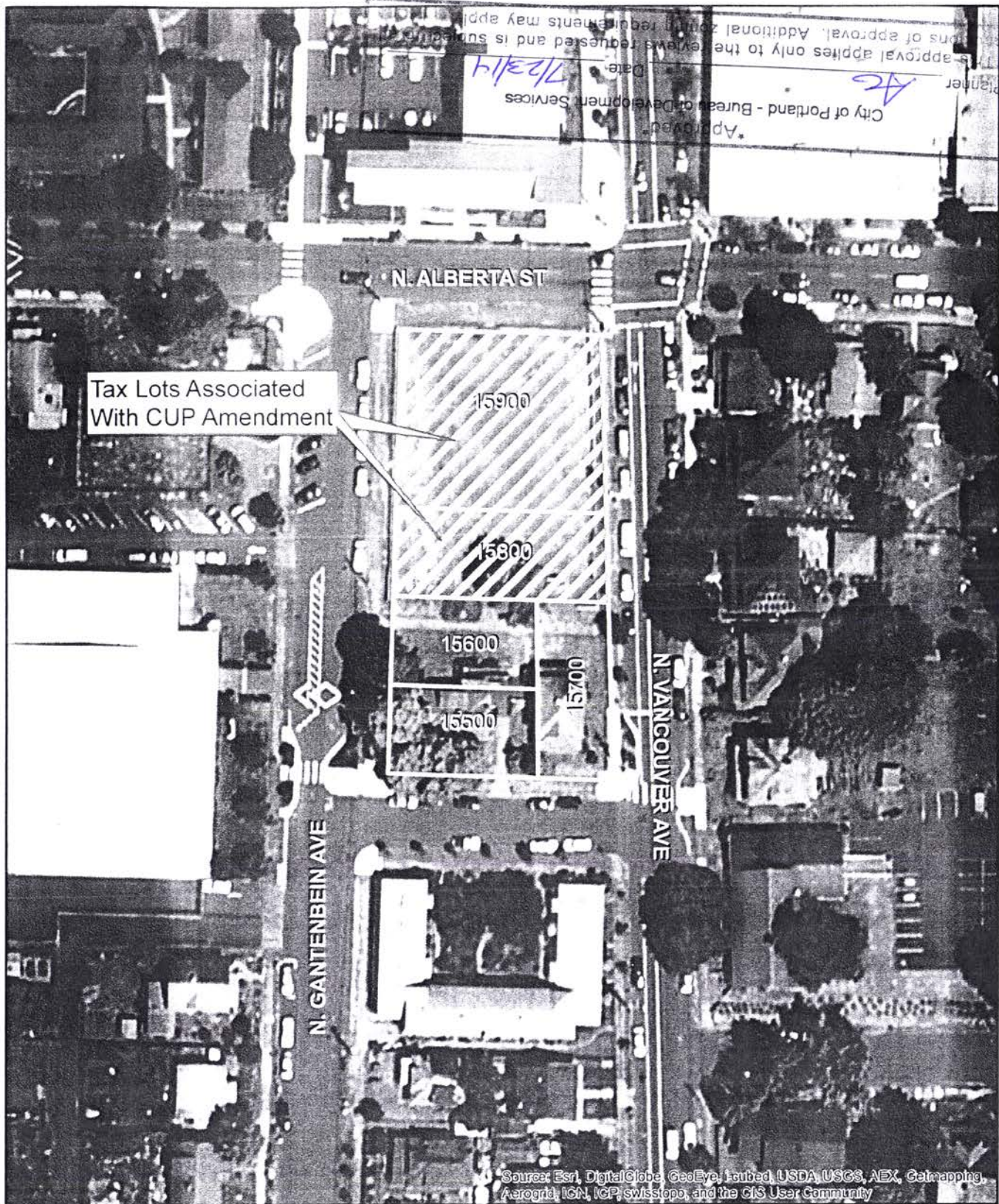


ZONING

-  Site
-  Also Owned
-  Historic Landmark



File No. LU 14-169298 CU
 1/4 Section 2530
 Scale 1 inch = 200 feet
 State_Id 1N1E22AC 15900
 Exhibit B (Jun 25, 2014)



Tax Lots Associated
With CUP Amendment

Approved: *AC*
Date: 7/23/14
City of Portland - Bureau of Development Services
Planner: _____
This approval applies only to the reviews requested and is subject to future requirements may apply.

Source: Esri, DigitalGlobe, GeoEye, Earthstar (USA), USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

North Portland Bible College



Conditional Use Permit Amendment

Portland, OR

LU 14-169298CU
Exhibit C-1