

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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: November 2, 2012 **To:** Interested Person

From: Douglas Hardy, Land Use Services

503-823-7816 / Douglas.Hardy@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

A land use review application has been submitted for property in your neighborhood. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, we need to receive your written comments by 5:00 pm on November 26, 2012. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-194521 ZE, in your letter. It also is helpful to address your letter to me, Douglas Hardy.

CASE FILE NUMBER: LU 12-194521 ZE

Applicant: City of Portland

Bureau of Development Services Land Use Services Division

1900 SW 4th Avenue, Suite 5000

Portland, OR 97201

Property-Owner: Karamanos Holdings Inc.

801 NE 21st Avenue Portland, OR 97232

OwnerRepresentative: Peter Fry

Peter Finley Fry

2153 SW Main Street, Suite 105

Portland OR 97205

Site Address: 801 NE 21st Avenue

Legal Description: Block 34 Lot 1-8 Land & Imps See R646167 (R806102451) for Mach &

Equip, Sullivans Add

Tax Account No.: R806102450 **State ID No.:** 1N1E35AD 02400

Quarter Section: 2932

Neighborhood: Kerns, contact Steve Russell at 503-784-8785

Business District: None

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

Plan District: None

Existing Zoning: EXd Central Employment with a Design overlay zone

RH High Density Residential

Case Type: Zoning Map Error Correction (ZE)

Procedure: Type II, Administrative decision with appeal to the Hearings Officer

PROPOSAL

The Bureau of Development Services is initiating a Zoning Map Error Correction to change the zoning on the southern one-half of this site from RH (High Density Residential) to EXd (Central Employment with a Design overlay zone). Prior to 1981, the entire 20,000 square foot lot was located in a General Manufacturing (M2) zone, with the northern one-half of the block also mapped with a Signboard Control (S) Zone. At that time (and currently), the site was under single ownership, with the entire site being developed with buildings used for light manufacturing.

In 1980, the Comprehensive Plan Update changed the zoning on the north one-half of the site to Light Manufacturing (M3) and High Density Residential (RH) on the south one-half of the site. However, evidence has been provided showing that the 1979 Proposed Comprehensive Plan Map submitted by the Bureau of Planning to the Planning Commission, the 1980 Recommended Comprehensive Plan Map submitted by the Planning Commission to the City Council, and the City Council Adopted Comprehensive Plan Maps from 1980 (and 1982) all identify the *entire* site as being in an M3 zone. A later map update process changed the M3 zoning on the north one-half of the block to Central Employment with a Design overlay zone (EXd), consistent with remapping criteria for that project.

Zoning Code Section 33.855.070.A.2 states that corrections may be made to the Zoning Map when there is discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located. The Bureau of Planning and Sustainability has reviewed the material in the record and finds that based on the legislative maps, and the adopted zoning line bisecting the site and placing a zone on the southern one-half of the site that does not match the historic use of the building that a Zoning Map Error occurred, and that the site in its entirety should be mapped with the EXd designation.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the approval criteria of Zoning Code Section 33.855.070.A, which allows a mapping correction when there is a proven error in the location of the zoning line or a discrepancy between the map designation and the legislative intent for placing the designation.

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. This application was submitted on May 4, 2010 and determined to be complete on May 7, 2010. 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. This application was submitted on October 16, 2012 and determined to be complete on November 2, 2012.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

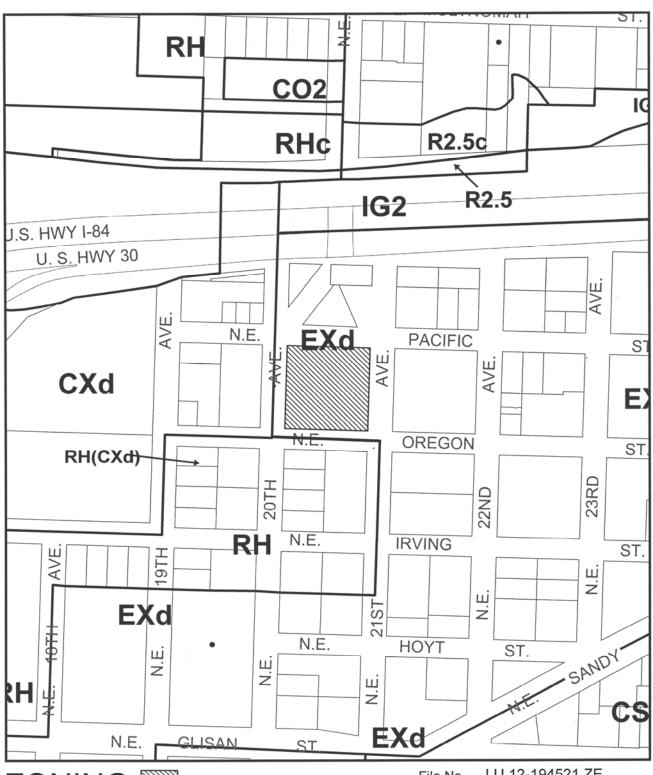
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map Site Plan



ZONING Site PROPOSED

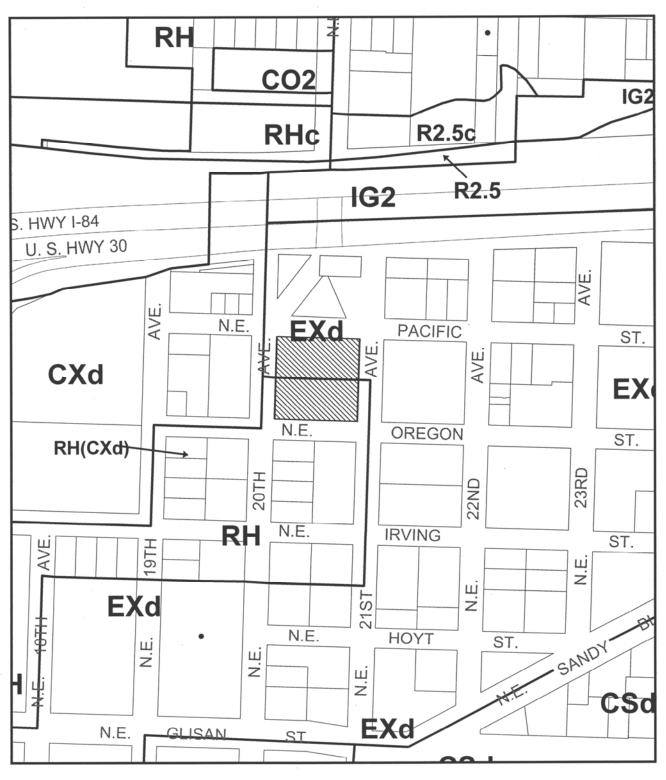
↑ NORTH File No. LU 12-194521 ZE

1/4 Section 2932

Scale 1 inch = 200 feet

State_Id 1N1E35AD 2400

Exhibit B (Oct 16,2012)



ZONING Site EXISTING



File No. LU 12-194521 ZE

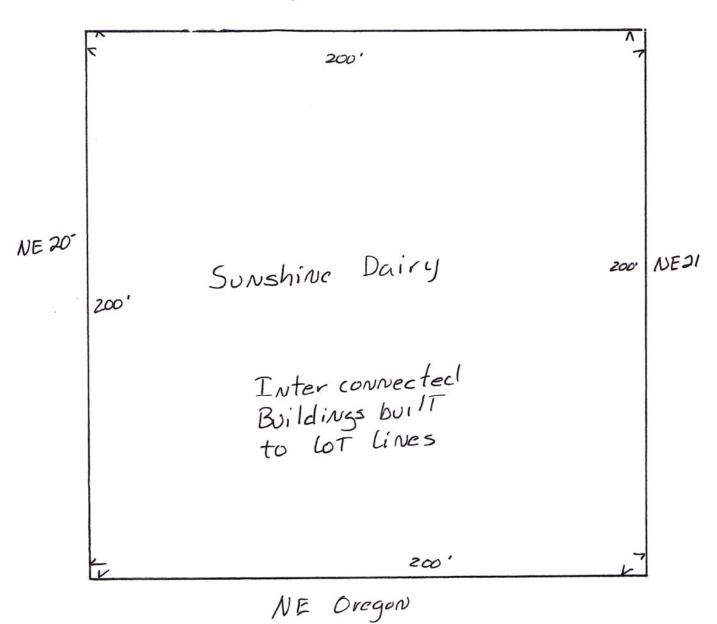
1/4 Section 2932

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Exhibit B (Oct 16,2012)

NE Pacific



N1 30': 1"scale