

City of Portland, Oregon Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868

www.portlandoregon.gov/bds

Date: April 15, 2013

To: Interested Person

From: Sylvia Cate, Land Use Services

503-823-7771 / Sylvia.Cate@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. 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 p.m. on May 6, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-131734 ZE, in your letter. It also is helpful to address your letter to me, Sylvia Cate.

CASE FILE NUMBER: LU 13-131734 ZE

Applicant: City of Portland Bureau of Development Services

Land Use Services Division 1900 SW 4th Ave Ste 5000 Portland, OR 97201

Owners: Trung Van Vuong and Lieu Thi Tran

25380 S Laura Ln Estacada, OR 97023

Site Address: 5234 SE POWELL BLVD

Legal Description: BLOCK 1 LOT 7&8 EXC N 30', OAKDALE

Tax Account No.: R621800070 **State ID No.:** 1S2E07DB 12700

Quarter Section: 3436

Neighborhood:Foster-Powell, contact Aaron Sorenson at 971-235-0025.Business District:Foster Area, contact Seth Richardson at 503-771-1737.District Coalition:Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: Powell Boulevard

Existing Zoning: R1a, Multi-Dwelling Residential 1,000 with Alternative Design Density

overlay

Corrected Zoning: CG, General Commercial

Case Type: ZE, Zone Map Error Correction

Procedure: Type II, an 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 east portion of the site, Lot 8, Block 1; Oakdale Subdivision from R1a [Multi-Dwelling Residential with Alternative Design Density overlay] to CG [General Commercial]. This process is necessary because the current zoning line bisects an existing commercial building that occupies most of the site. City policy does not allow zoning lines to be placed such that they result in split zoned properties or buildings.

Relevant Approval Criteria:

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

• 33.855.070.A.-C., *Corrections to the Official Zoning Maps*

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 March 22, 2013 and determined to be complete on April 10, 2013.

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.
- 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.

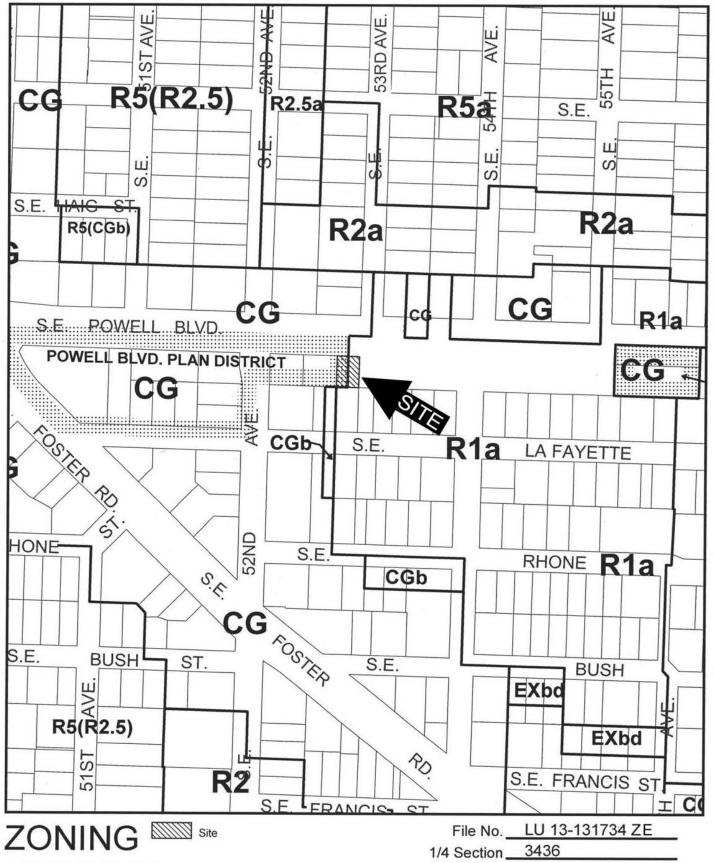
APPEAL OF THE FINAL CITY DECISION

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:

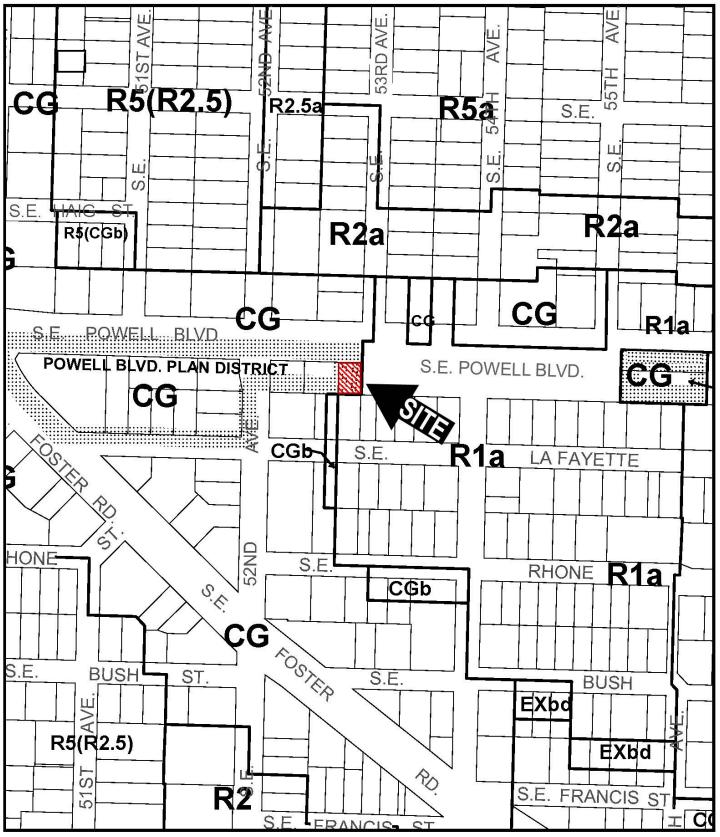
Zoning Maps: Existing Zoning; Proposed Corrected Zoning Site Plan



EXISTING

THIS SITE LIES WITHIN: POWELL BLVD. PLAN DISTRICT

1 inch = 200 feet Scale. 1S2E07DB 12700 State Id **B1** (Mar 27,2013) Exhibit.



ZONING Site PROPOSED



THIS SITE LIES WITHIN: POWELL BLVD. PLAN DISTRICT

File No. LU 13-131734 ZE

1/4 Section 3436

Scale 1 inch = 200 feet

State_Id 1S2E07DB 12700

Exhibit B2 (Mar 27,2013)