



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 12, 2014  
**To:** Interested Person  
**From:** Kathleen Stokes, Land Use Services  
503-823-7843 / [Kathleen.Stokes@portlandoregon.gov](mailto:Kathleen.Stokes@portlandoregon.gov)

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL  
IN YOUR NEIGHBORHOOD**

**CASE FILE:** LU 14-103645 CU AD (PC # 13-216872)  
**REVIEW BY:** Hearings Officer  
**WHEN:** Wednesday, July 2, 2014 at 9:00 AM  
**WHERE:** 1900 SW Fourth Ave., Suite 3000  
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Development has been proposed in your neighborhood requiring 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 are 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.

**Applicant:** Andy Liu  
8315 NW Helvetia Rd  
Hillsboro OR 97124

**Representative:** Matt Newman, NW Engineers  
3409 NW John Olson Pl  
Hillsboro, OR 97124

**Owners:** Uyen To Vuong Duong, Huong To Vuong Duong  
4320 SE 136th Ave  
Portland, OR 97236

**Site Address:** 4320 SE 136TH AVE

**Legal Description:** TL 3100 0.93 ACRES, SECTION 11 1S 2E  
**Tax Account No.:** R992115790  
**State ID No.:** 1S2E11DC 03100  
**Quarter Section:** 3444

**Neighborhood:** Powellhurst-Gilbert, Mark White at 503-761-0222.  
**Business District:** Midway, Bill Dayton at 503-252-2017.  
**District Coalition:** East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin  
**Zoning:** R10 (R10,000, Low Density Single-Dwelling Residential)  
**Case Type:** Conditional Use Review, Adjustment Review  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:** The applicant is requesting approval to locate a Buddhist temple on this site. The existing household use would also continue to be located on the property. A 54-space parking lot that was previously created, without permits, is proposed to be legalized to serve the use. Improvements that would make the parking lot compliant with the Zoning Code requirements for paving, striping and landscaping are also proposed.

The regularly proposed temple activities include:

- daily visits of 5 to 10 persons, arriving at various times for prayer and meditation
- weekly gathering of 10 to 20 persons for prayer and meditation, usually indoors, in the main prayer room but some people would also be in the outdoor area (generally on Sundays, from 10 am to noon)
- special events which may draw about 100 persons, generally occurring five times during the year. The dates may vary slightly each year with the calendar, For 2014-15, the anticipated dates and times area:
  - Buddha Kuan Yi's Birthday festival - July 6 (10 am to 1 pm)
  - Mother Day - August 10 (10 am to 1 pm)
  - Buddha Birthday festival - November 5, or the Sunday before or after (10 am to 1 pm)
  - Thanksgiving – November 30 (10 am to 1 pm)
  - Vietnamese New Year (lunar New Year) – January 31 (9 pm to 1 am)
  - Praying of 1<sup>st</sup> of the year – February 16 (10 am to 1 pm)

An additional special event, which is reported to be a one-time-only event is proposed to occur from August 27 through September 7, 2014, when a traveling “Buddha” will be on display and related prayer and activities will occur. This event may bring a few hundred people to the site. The applicant indicates that special provisions have been made for temporary parking in the adjacent field and that they have also made arrangements for a shuttle that would take visitors to other temporary parking locations.

Code Section 33.110.245 states that development on sites that have institutional uses and that are located on designated transit streets are subject to a maximum building setback standard of 20 feet, unless an exception is approved through Conditional Use Review. At least 50% of the street facing facades of structures must meet this maximum setback. In this case, more than 50% of the development is about 25 to 30 feet back from the front property line. The applicants have asked for an exception to this standard to allow the existing building setbacks from SE 136<sup>th</sup> Avenue, which is designated as Community Transit Street.

Approval of Adjustments is being requested for some of the existing development on the site that does not conform to the development standards for institutions in the single-dwelling zones. Code Section 33.110.245 (Table 110-5) requires that buildings on institutional sites have a minimum setback of one foot for every two feet of building height, but in no case, less than 15 feet. The existing residence meets the five-foot building setback for houses but does not meet this institutional standard, so the applicant is requesting approval of an Adjustment to reduce the required setback from the north property line, from 15 feet to about 5.5 feet.

Code Section 33.110.255 C states that fences that are located within front building setback areas are limited in height to 3.5 feet. The site has a decorative iron fence that exceeds this height limit, being between 4 feet to 7 feet 3 inches tall (at the gate) within the setback area. An additional Adjustment is being requested to allow the decorative fence to remain.

**Approval Criteria:** Because the proposed temple is a new religious institution in a residential zone, approval of a Type III Conditional Use Review is required. Requests for exceptions to the applicable development standards require approval of Adjustment Reviews.

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

- Conditional Use: Institutional and Other Uses in R-Zones, 33.815.105 A-E
- Adjustments: 33-805.040 A-F

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 January 10, 2014 and determined to be complete on May 12, 2014.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Hearings Officer, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

#### **APPEAL PROCESS**

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

#### **HEARING CANCELLATION**

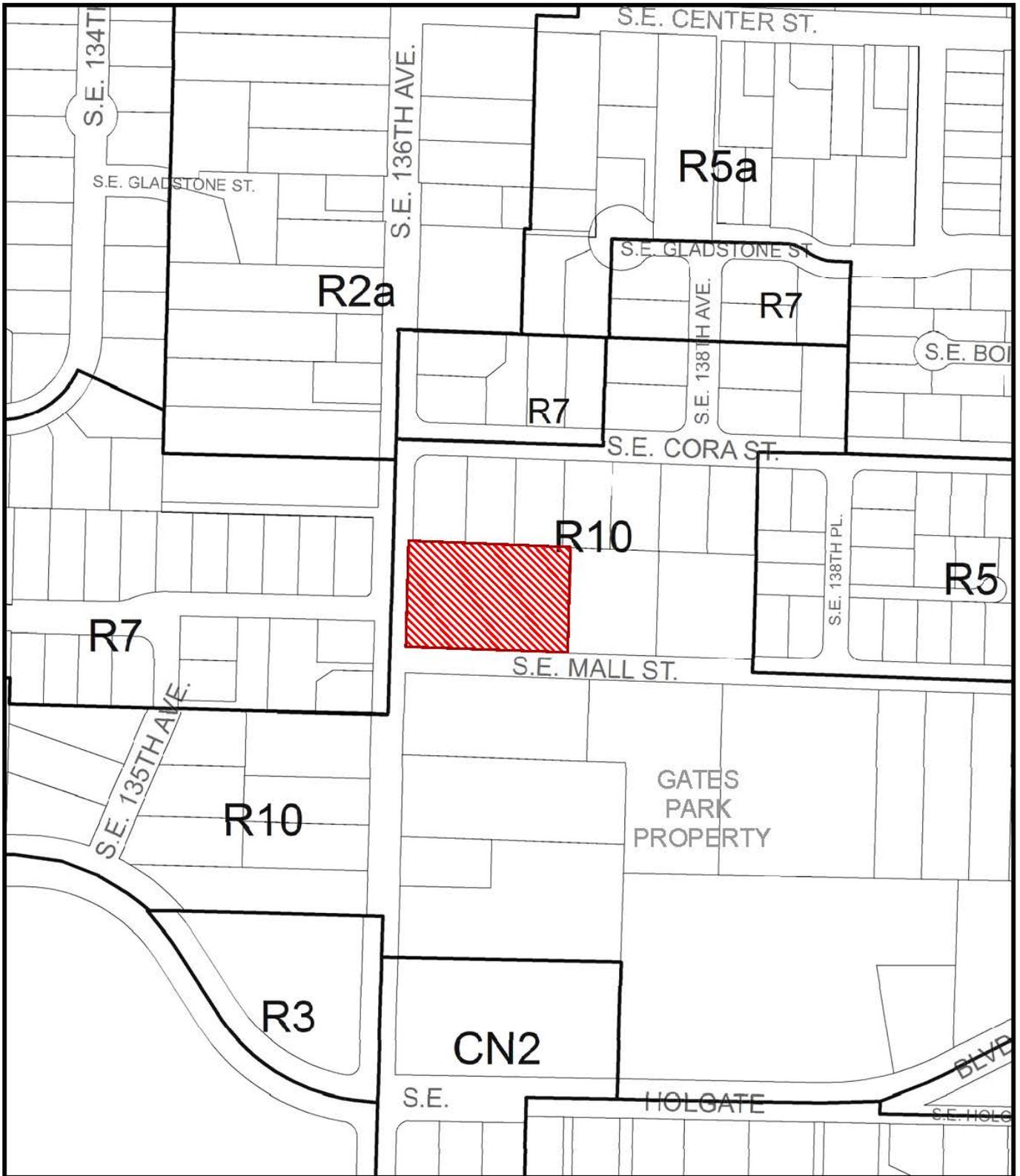
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or [www.trimet.org/schedule/allroute.htm](http://www.trimet.org/schedule/allroute.htm)) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

**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  
Fence Detail Plan



# ZONING



Site



NORTH

This site lies within the:  
**JOHNSON CREEK BASIN PLAN DISTRICT**

File No. LU 14-103645 CU,AD  
 1/4 Section 3444  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E11DC 3100  
 Exhibit B (Jan 13,2014)



