



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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

Date: March 10, 2017
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / mfeuersanger@portlandoregon.gov

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

CASE FILE: LU 16-145420 CU
PC # 15-189526
REVIEW BY: Hearings Officer
WHEN: April 5, 2017, at 2:00 p.m.
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 Nuttbrock, HDJ Design Group
300 W 15th Street
Vancouver, WA 98660

Owner: Scott Birkhofer, David Douglas Day Care Inc.
1610 SE 130th Avenue
Portland, OR 97233-1721

Site Address: 1610-1620 SE 130th Avenue

Legal Description: BLOCK 5 LOT 1 TL 200, DAGMAR AC
Tax Account No.: R193902390
State ID No.: 1S2E02CA 00200
Quarter Section: 3243

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Midway, contact info@midwaybusiness.org. Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Zoning: North half of site: IRd, Institutional Residential Zone and Design Overlay (d);

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

South half of site: R5a, Single Dwelling Residential 5,000 Zone with Alternative Design Density Overlay Zone (a).

Case Type: CU, Conditional Use
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: An expansion is proposed to the existing David Douglas Daycare facility. A new one-story daycare building (3,670 square feet in footprint) is proposed on the south part of the site. Three new classrooms will be provided in addition to a kitchen and office space for daycare staff. Landscaping and stormwater facilities are also proposed. The existing parking area will be reconfigured and expanded to accommodate 12 spaces. Additional parking spaces for the expanded daycare will be provided on the adjacent David Douglas high school site. The Zoning Code classifies daycare facilities as a Conditional Use in Residential zones; therefore, Conditional Use review is required for the proposed expansion.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33. The relevant criteria are found in Zoning Code Section 33.815.105.A through E, Institutional and Other Uses in R Zones.

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 April 5, 2016 and determined to be complete on date.

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. 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.

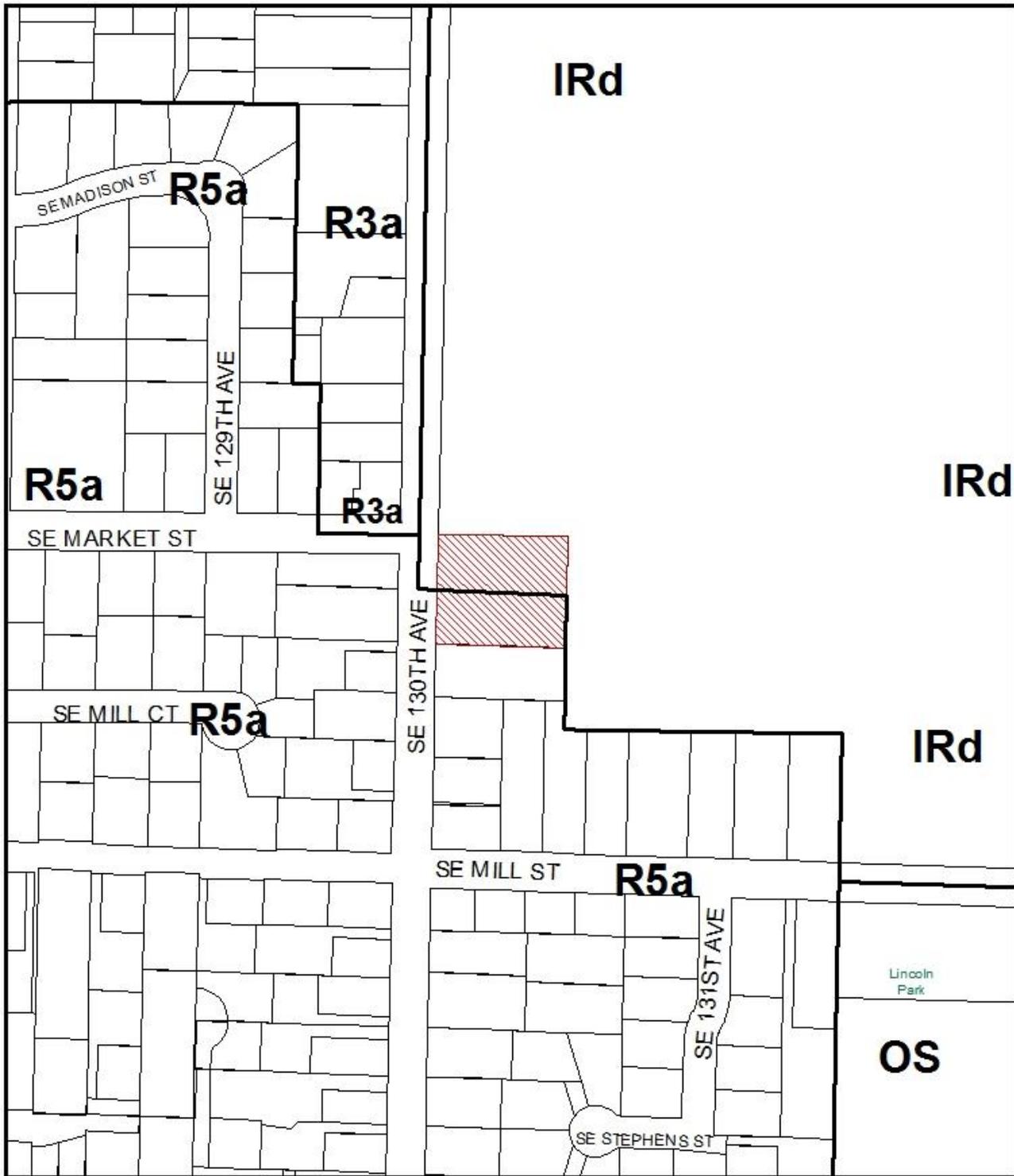
HEARING CANCELLATION

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 re-notification 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) 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, Proposed Building Elevations



ZONING



File No.	<u>LU 16-145420 CU</u>
1/4 Section	<u>3243</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E02CA 200</u>
Exhibit	<u>B</u> (Apr 06, 2016)

PLAN NOTES:
 THE PROPOSAL IS FOR THE EXPANSION OF THE DAVID DOUGLAS DAYCARE BUSINESS LOCATED ON THE NORTHERN PORTION OF THE PROPERTY. THE NEW DEVELOPMENT WILL CONSIST OF ONE 3,800 SF, SINGLE STORY, PRE-MANUFACTURED STRUCTURE. THE BUILDING WILL BE PROVIDED WITH OFFICES, FOUR RESTROOMS, AN OFFICE, AN OFFICE, A MECHANICAL ROOM, AND A RECEPTION AREA.

THE PROJECT SITE IS CURRENTLY VACANT. THE EXISTING SINGLE FAMILY HOME WAS ABANDONED AND DEMOLISHED PRIOR TO THIS APPLICATION.

AS PART OF THE APPLICATION, THERE HAS BEEN A LOT CONSOLIDATION. THIS ALLOWS THE BUILDING TO BE PLACED AS SHOWN, CROSSING THE EXISTING PROPERTY LINE.

TRANSPORTATION AND UTILITIES:
 THE SITE IS LOCATED ALONG THE EAST SIDE OF SE 130TH AVENUE, SOUTH OF SE STARK STREET AND WEST OF SE MARKET STREET. THE PROPOSED DEVELOPMENT WILL BE ADJACENT TO THE FRONTAGE IMPROVEMENTS INCLUDES REMOVAL AND REPLACEMENT OF EXISTING CURB AND SIDEWALK.

SANITARY SEWER AND WATER SYSTEMS WILL CONNECT TO THE EXISTING PUBLIC SYSTEMS IN SE MARKET STREET. SEWER SYSTEMS WILL OR SEPTIC SYSTEMS ON SITE. SERVICES ARE PROVIDED BY THE BUREAU OF ENVIRONMENTAL SERVICES AND PORTLAND WATER BUREAU.

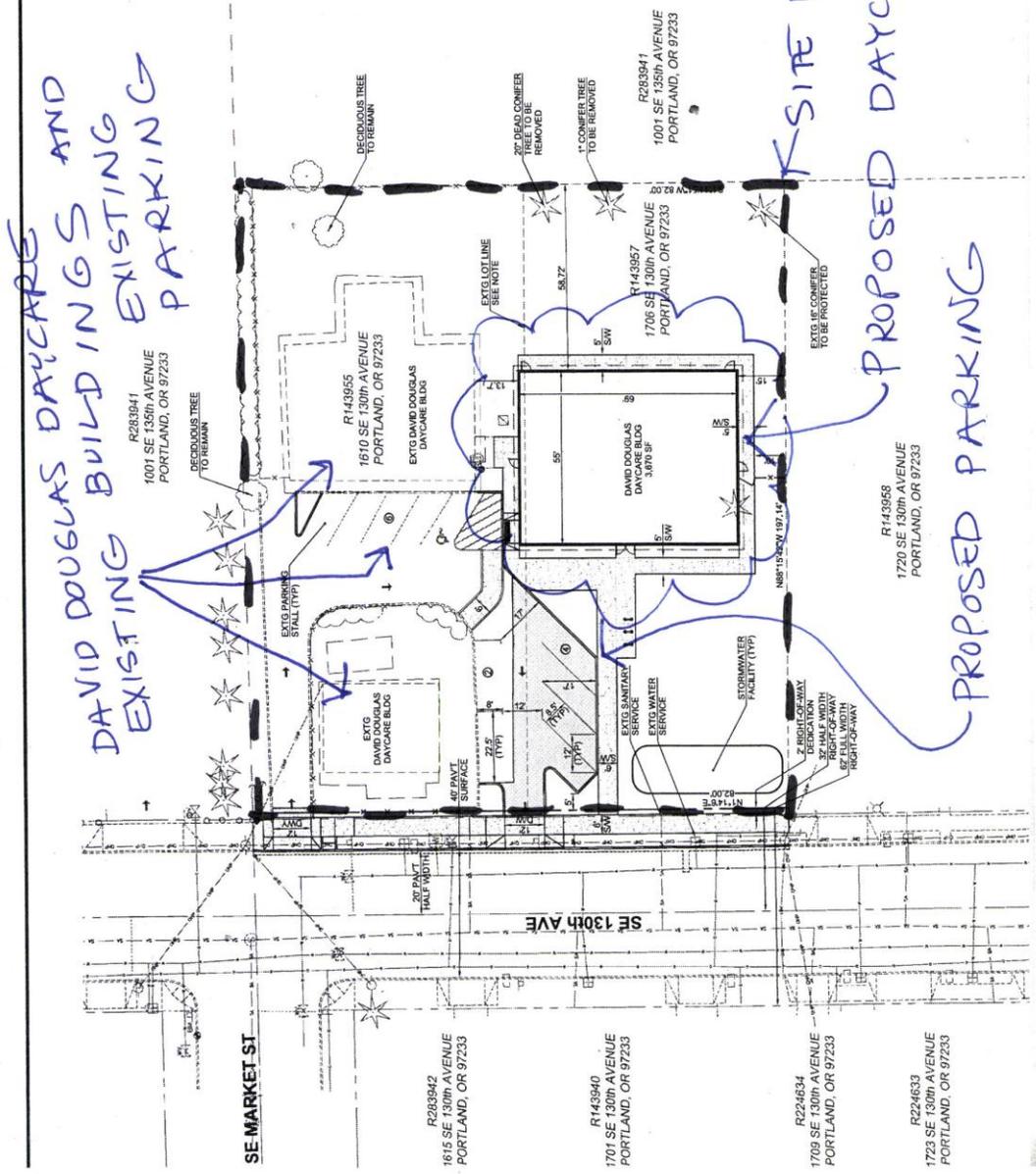
STORMWATER:
 STORMWATER FROM THE SITE WILL BE COLLECTED ON SITE AND TREATED IN A VEGETATED STORMWATER FACILITY IN THE SOUTHWEST CORNER OF THE PROPERTY. STORMWATER WILL BE RELEASED THROUGH INFILTRATION ON SITE.

PROJECT INFORMATION:

ZONING:
 NORTH: IR1 (INSTITUTIONAL RESIDENTIAL, DESIGN ZONE)
 SOUTH: R5A (RESIDENTIAL 5,000, ALTERNATIVE DESIGN DENSITY)
 SOUTH: R5 (RESIDENTIAL 5,000)
 SOUTH: R5 (RESIDENTIAL 5,000)

COMP PLAN DESIGNATION:

EXTG LOT LINE:
 THE EXISTING LOT LINE BETWEEN THE EXISTING AND PROPOSED DAVID DOUGLAS DAYCARE SITES HAS BEEN REMOVED THROUGH A TAX ROLL ACCOUNT CONSOLIDATION WITH MULTNOMAH COUNTY.



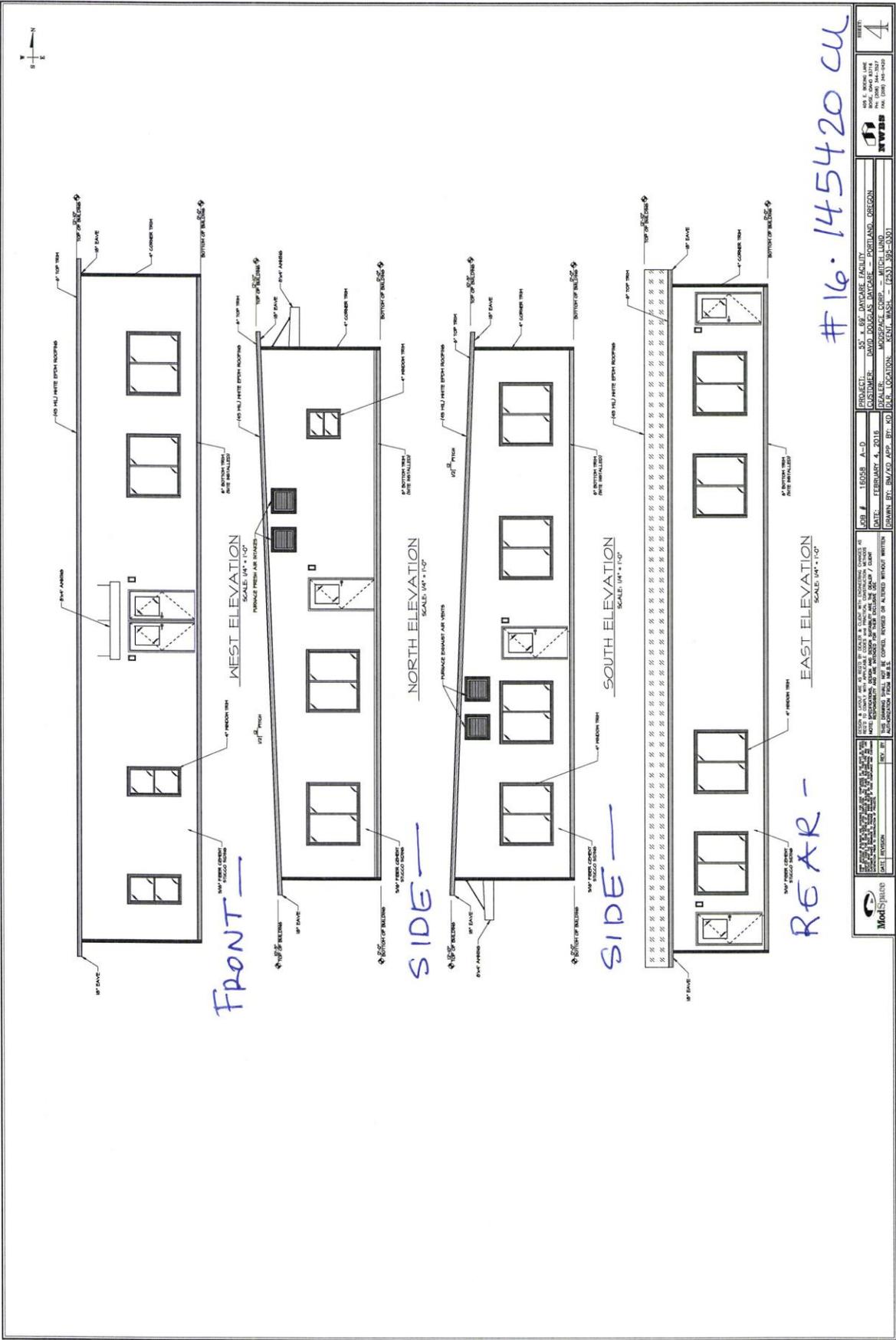
← SITE BOUNDARY

PROPOSED DAYCARE BUILDING

PROPOSED PARKING

#16.145400 CU

SITE PLAN
 DAVID DOUGLAS DAYCARE
 1610 - 1620 SE 130th Ave.



#16-145420 cu

PROPOSED BUILDING ELEVATIONS

rec. 3/3/17

		SHEET: 4	
PROJECT: SIS & JUVENILE FACILITY		COUNTY: WASCO, OREGON	
DATE: FEBRUARY 4, 2015		DRAWN BY: BM/AD/SPH	
SCALE: AS SHOWN		CHECKED BY: BM/AD/SPH	
PROJECT NO: 16-145420		SHEET NO: 4	
PROJECT LOCATION: ACQUA, WASH. - (253) 352-0301			