



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

Chloe Eudaly, Commissioner
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 12, 2017
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@portlandoregon.gov

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

CASE FILE: LU 16-292724 CP ZC
PC # 16-241428
REVIEW BY: Hearings Officer
WHEN: Wednesday, August 2, 2017 at 9 am
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

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: Sarah Radelet | Strata Land Use Planning
PO Box 90833
Portland, OR 97290
503-320-0273, sarah@stratalanduse.com

Owners: Aaron and Amanda Tinkle
8345 SW 11th Ave
Portland, OR 97219

Site Address: 5901 SE BELMONT ST

Legal Description: LOT 4 INC UND INT TRACT A, SCHROBERG ESTATES
Tax Account No.: R749750200
State ID No.: 1S2E06AA 07804
Quarter Section: 3136
Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364.
Business District: Belmont Business Association, contact Constance Ihrke at 503-267-3721.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Zoning: R2 – Low-Density, Multi-Dwelling, Residential 2,000
Case Type: CP ZC – Comprehensive Plan Map and Zoning Map Amendment

Procedure: Type III, with a public hearing and recommendation by the Hearings Officer and a public hearing and decision by City Council. The decision of City Council can be appealed to the State Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes a Comprehensive Plan Map Amendment and Zoning Map Amendment to this 6,468-square-foot lot on SE Belmont St. The Comprehensive Plan Map Amendment would change the Comprehensive Plan Map designation of the site from a Low Density Multi-Dwelling designation to a Neighborhood Commercial designation. The Zoning Map Amendment would change the zoning from R2 (Residential 2,000) to CN1 (Neighborhood Commercial 1). The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. The ultimate project would result in removal of the existing house on the site and the construction of a new dental office for the owner, who currently operates a dental office two lots to the east.

Approval Criteria:

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

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendments

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 December 29, 2016 and determined to be complete on June 14, 2017.

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.

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. The Hearings Officer does not accept comments via e-mail. 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 Bureau of Development Services 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 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 an additional seven days to provide the other parties an opportunity to respond to that new evidence.

The Hearings Office will make a recommendation on the Comprehensive Plan Map/Zoning Map Amendment to City Council within 30 days of the close of the record. The City Code requires City Council to hold a public hearing on Comprehensive Plan Map/Zoning Map Amendments and you will have the opportunity to testify at that hearing. The City Council hearing will be scheduled by the City Auditor upon receipt of the Hearing Officer's recommendation. You will receive a mailed copy of the notice providing time certain information for the City Council hearing.

City Council's decision may be appealed to LUBA. Failure to raise an issue, in person or by letter, by the close of the record by City Council on the Comprehensive Plan Map/Zoning Map Amendments may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to City Council, LUBA may not be able to respond to that issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing on 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 based on that issue may not be allowed.

HEARING CANCELLATION

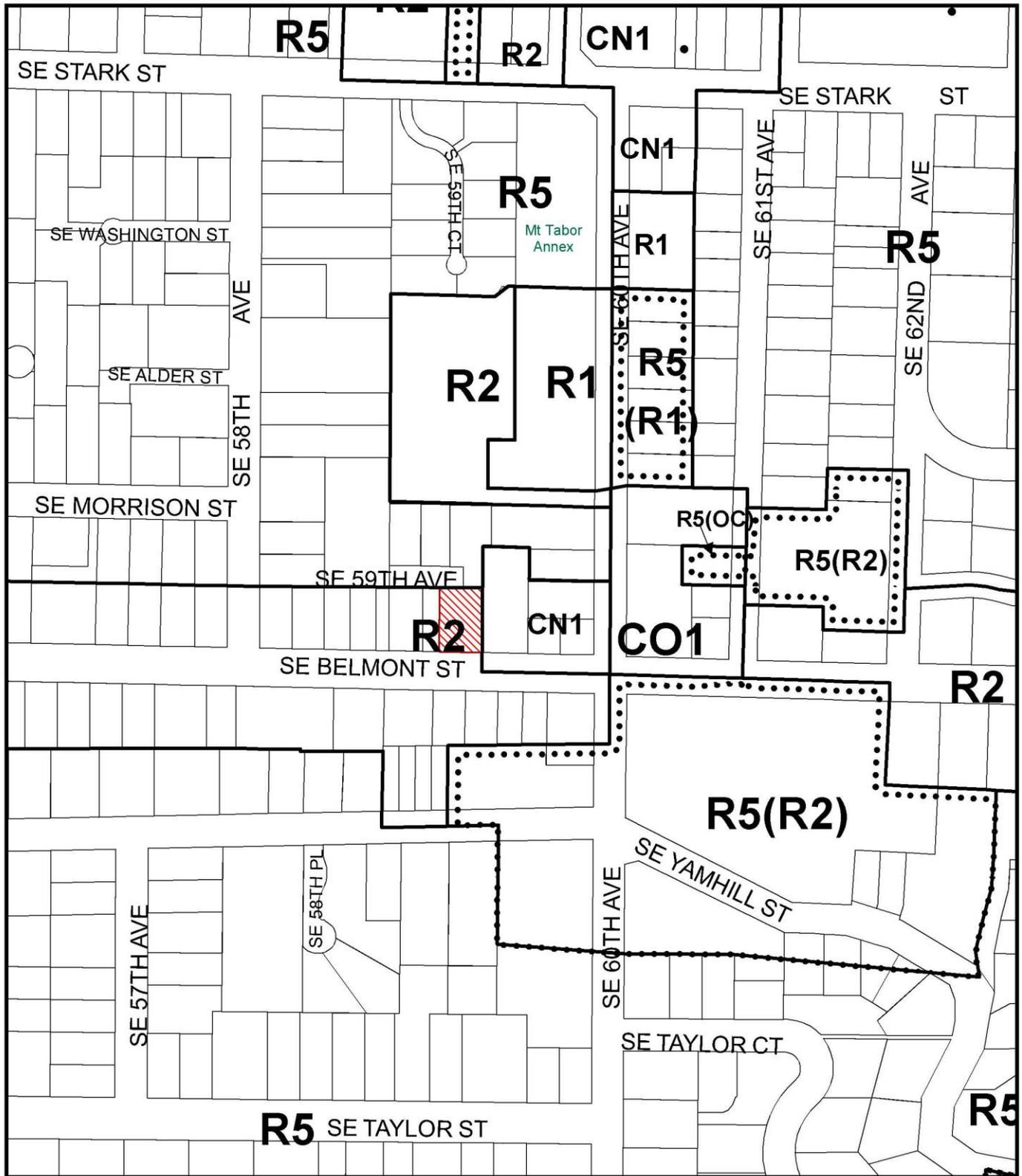
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call 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) 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: Existing
Zoning Map: Proposed
Site Plan

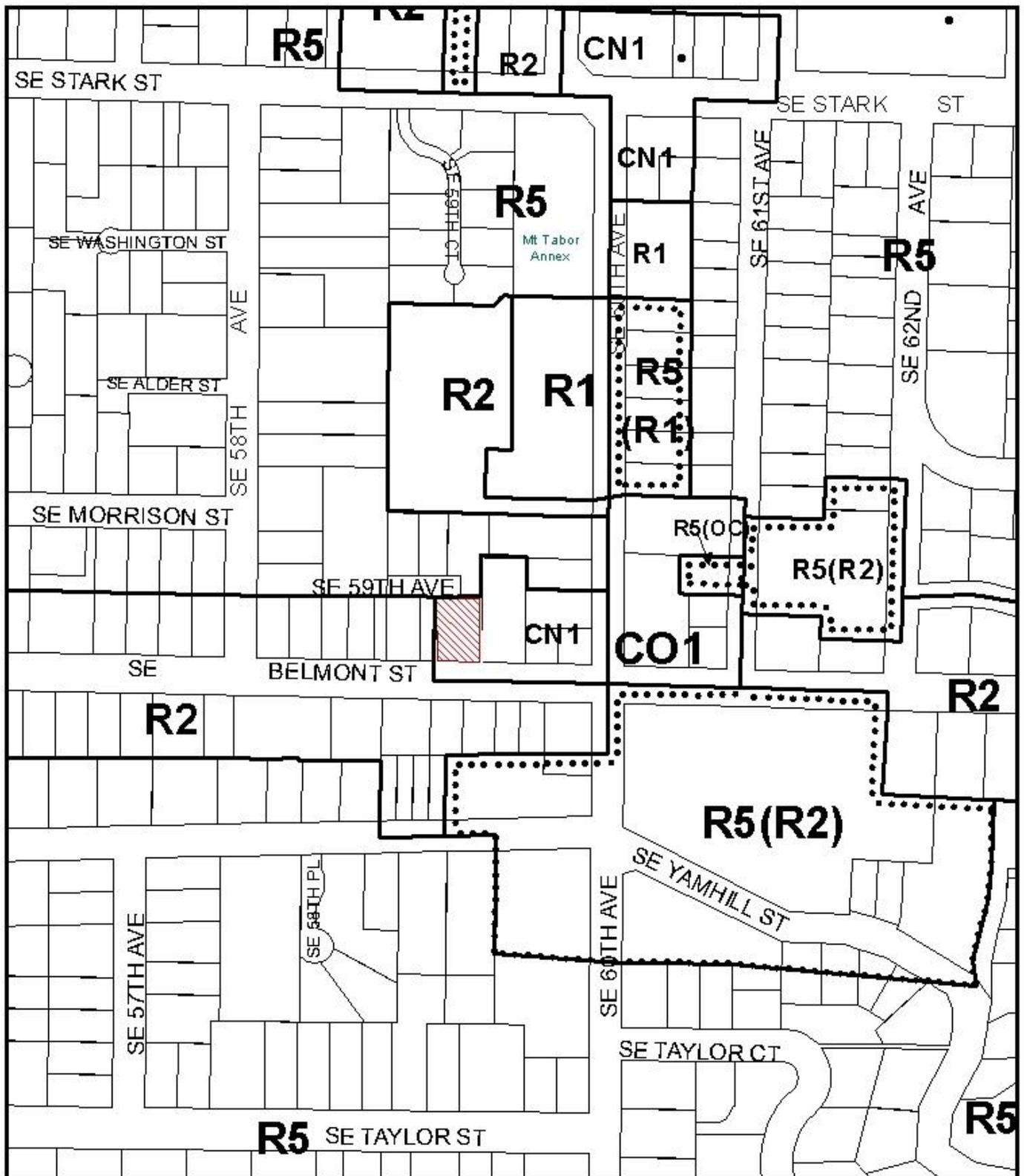


EXISTING ZONING



- Site
- Historic Landmark

File No. LU 16-292724 CP ZC
 1/4 Section 3136
 Scale 1 inch = 200 feet
 State_Id 1S2E06AA 7804
 Exhibit B (Jan 05, 2017)



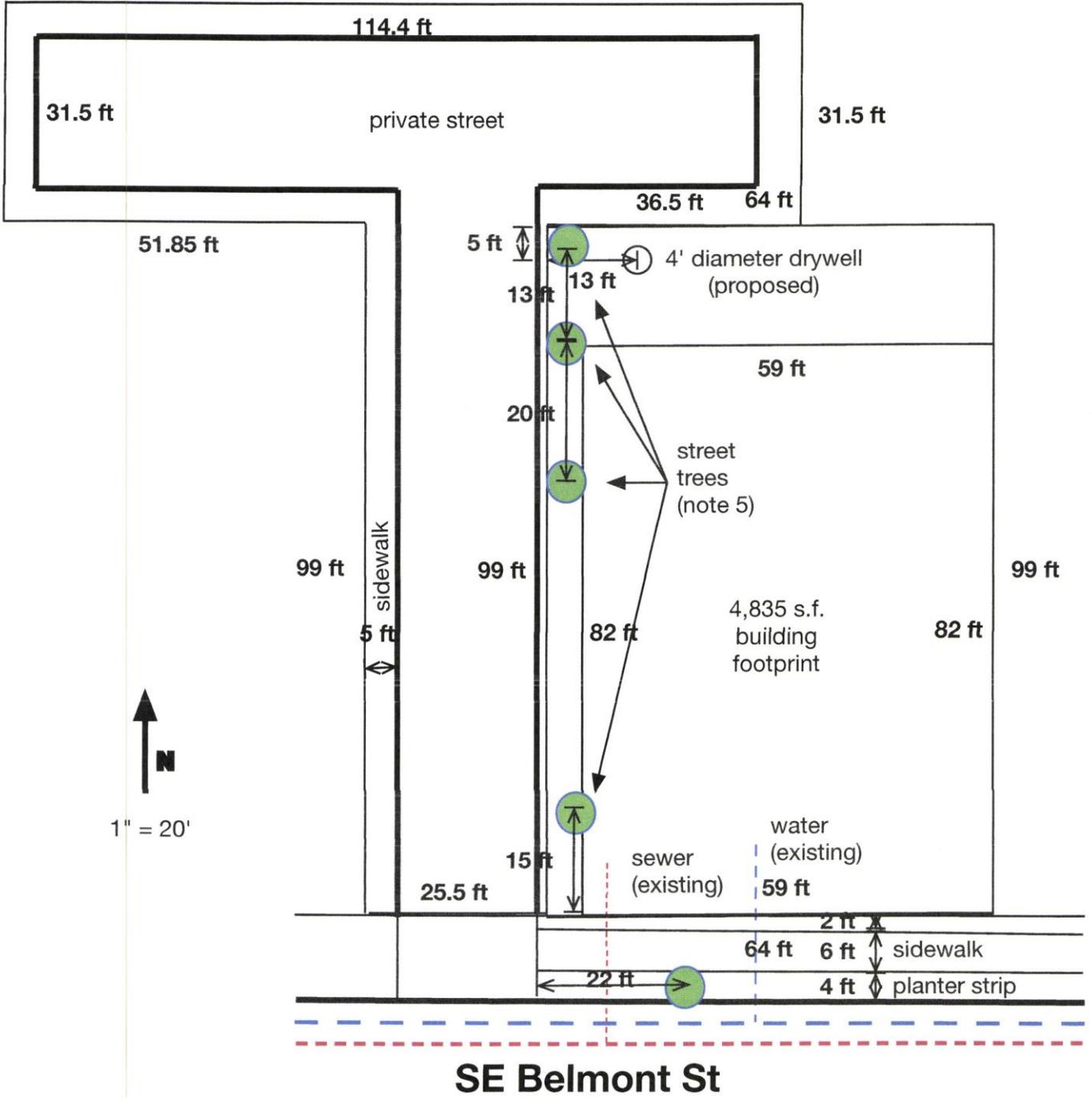
PROPOSED ZONING



- Site
- Historic Landmark

File No.	<u>LU 16-292724 CP ZC</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AA 7804</u>
Exhibit	<u>B (Jan 05, 2017)</u>

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Notes:

1. Proposed drywell is 10 ft deep
2. Building footprint shown on the site plan is the maximum footprint allowed, not what is proposed. No development is proposed at this time.
3. Existing sewer and water laterals are proposed to be used for future development
4. No commercial access will be allowed from the R2-zoned street.
5. Note that these 4 trees abutting the private street are required to be preserved per LU 13-168165 LDS