



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: September 7, 2017
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / mfeuersanger@portlandoregon.gov

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

CASE FILE: LU 17-167264 CU AD
PC # 16-244425
REVIEW BY: Hearings Officer
WHEN: October 4, 2017, at 9 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. **A public hearing for this proposal was held on August 31, 2017. The hearing is continued to October 4, 2017, to allow time for public review and comment of new information and additional requested Adjustment reviews.** 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: Casey McGuirl, CityCraft Development
6931 NE Martin Luther King, Jr. Blvd.
Portland, OR 97211
503-347-4649 permits@citycraft.co

Owner: Presbytery of the Cascades to Genesis
5425 NE 27th Ave
Portland, OR 97211-6227

Site Address: 5425 NE 27TH AVE

Legal Description: BLOCK 3 LOT 1 EXC PT IN ST LOT 2, INA PK; BLOCK 3 N 10' OF LOT 14 LOT 15-17 LOT 18 EXC PT IN ST, INA PK

Tax Account No.: R413900750, R413901070
State ID No.: 1N1E24BB 04400, 1N1E24BB 03400
Quarter Section: 2533

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Zoning: North portion: R2, Low Density Multi-Dwelling Residential Zone
South portion: R2.5, Single Dwelling Residential 2,500 Zone
Entire site is within the Alternative Design Density Overlay Zone (a), and Aircraft Landing Overlay Zone (h)

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

Proposal: A public hearing was held on August 30, 2017, to consider the proposal to remove from the existing church site an accessory 23-space surface parking area west of the church building. Religious institutions are a “conditional use” in Residential Zones and the reduction in site area requires Conditional Use review. The hearing is continued to allow time for public review and comment of new information and four Adjustment Reviews requested to the Institutional development standards (Zoning Code Section 33.120.275 and Table 120-5). The Adjustments are specific to the setback area between the new west boundary of the church site and the church building:

1. Reduce the minimum building setback for the church building at the new west property line, from 11 feet to a range of 3 feet-3 inches to 5 feet-11 inches, to conform with the church building’s footprint;
2. Reduce the minimum landscape setback from 10 feet to a range of 3 feet-3 inches to 5 feet-11 inches, to conform with the church building’s footprint;
3. Waive the minimum 10-foot setback for the existing at-grade mechanical equipment; and
4. Waive the required 10 feet of L3 landscaping for the existing mechanical equipment only.

This notice also corrects information contained in the initial July 31, 2017, Notice of Public Hearing. The conditions of the 1977 Conditional Use review for the church site (Case # CU 44-77) no longer apply to the site per Zoning Code Section 33.700.110.

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:

- Approval criteria A through E of Section 33.815.105, Institutional and Other Uses in R Zones, and
- Approval criteria A through F of Section 33.805.040, Adjustments.

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 5, 2017 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 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.

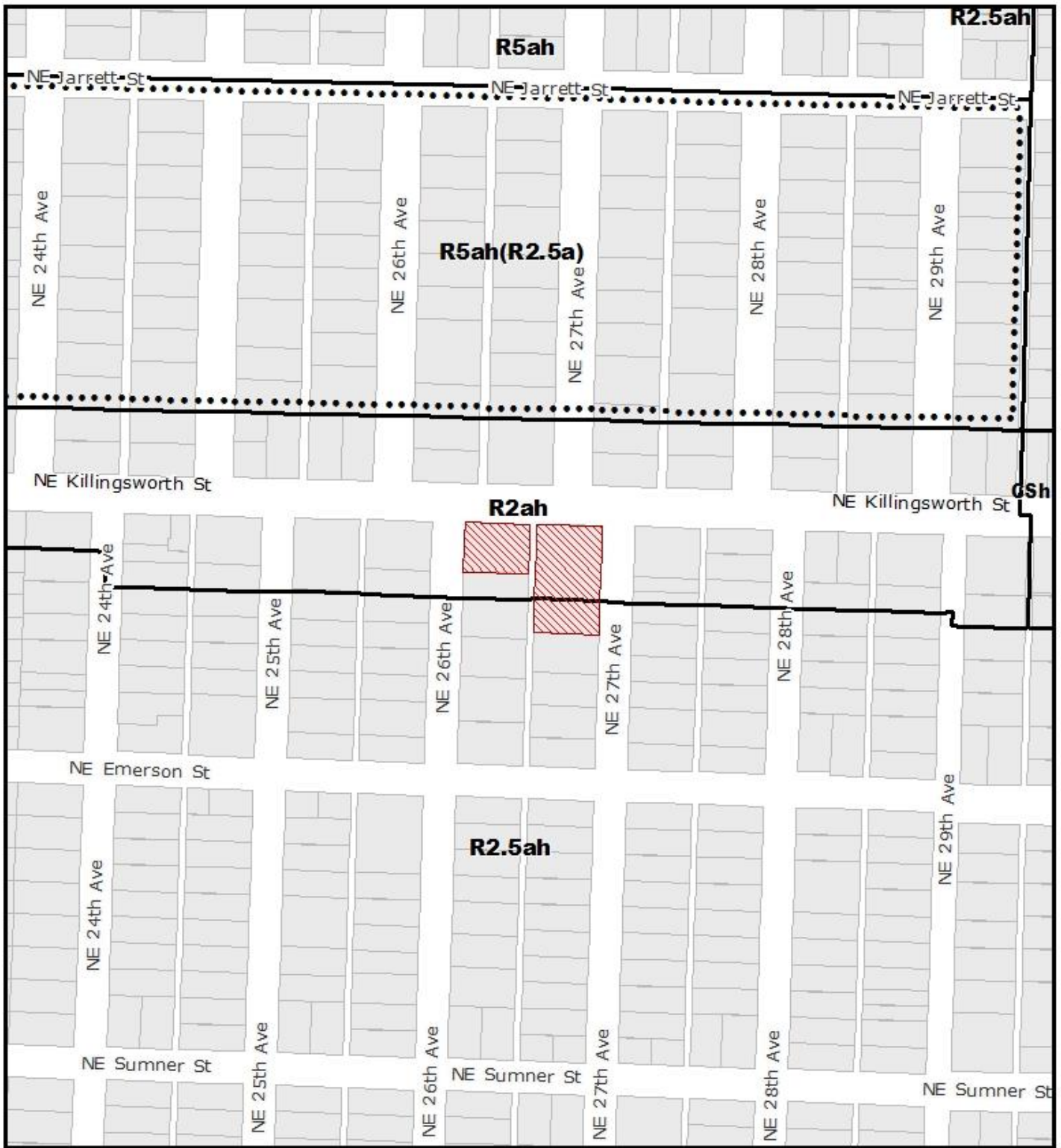
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map

Updated Site Plan

Enlarged Updated Site Plan



ZONING  NORTH

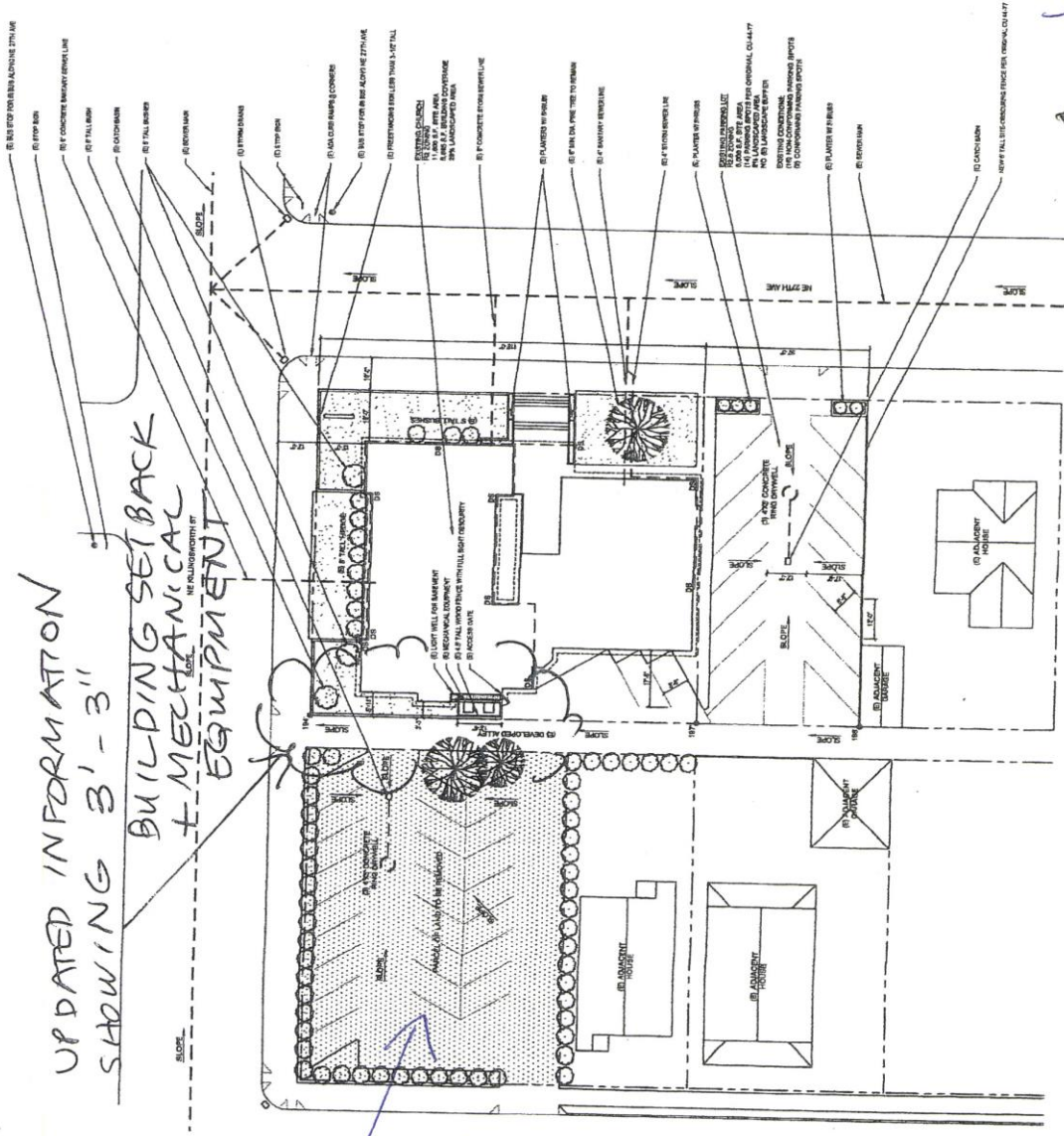
 Site

File No.	LU 17-167264 CU
1/4 Section	2533
Scale	1 inch = 200 feet
State ID	1N1E24BB 3400
Exhibit	B May 10, 2017

Rec. 8/30/17

A TROY GROUP, LLC

SITE PLAN
NE 27TH AVE. & KILLINGSWORTH ST.
PORTLAND, OR 97211



UPDATED INFORMATION
SHOWING 3' - 3"

BUILDING SETBACK
& MECHANICAL
EQUIPMENT

Parking
Area
to be
Removed
from
Church
site.

UPDATED
SITE PLAN

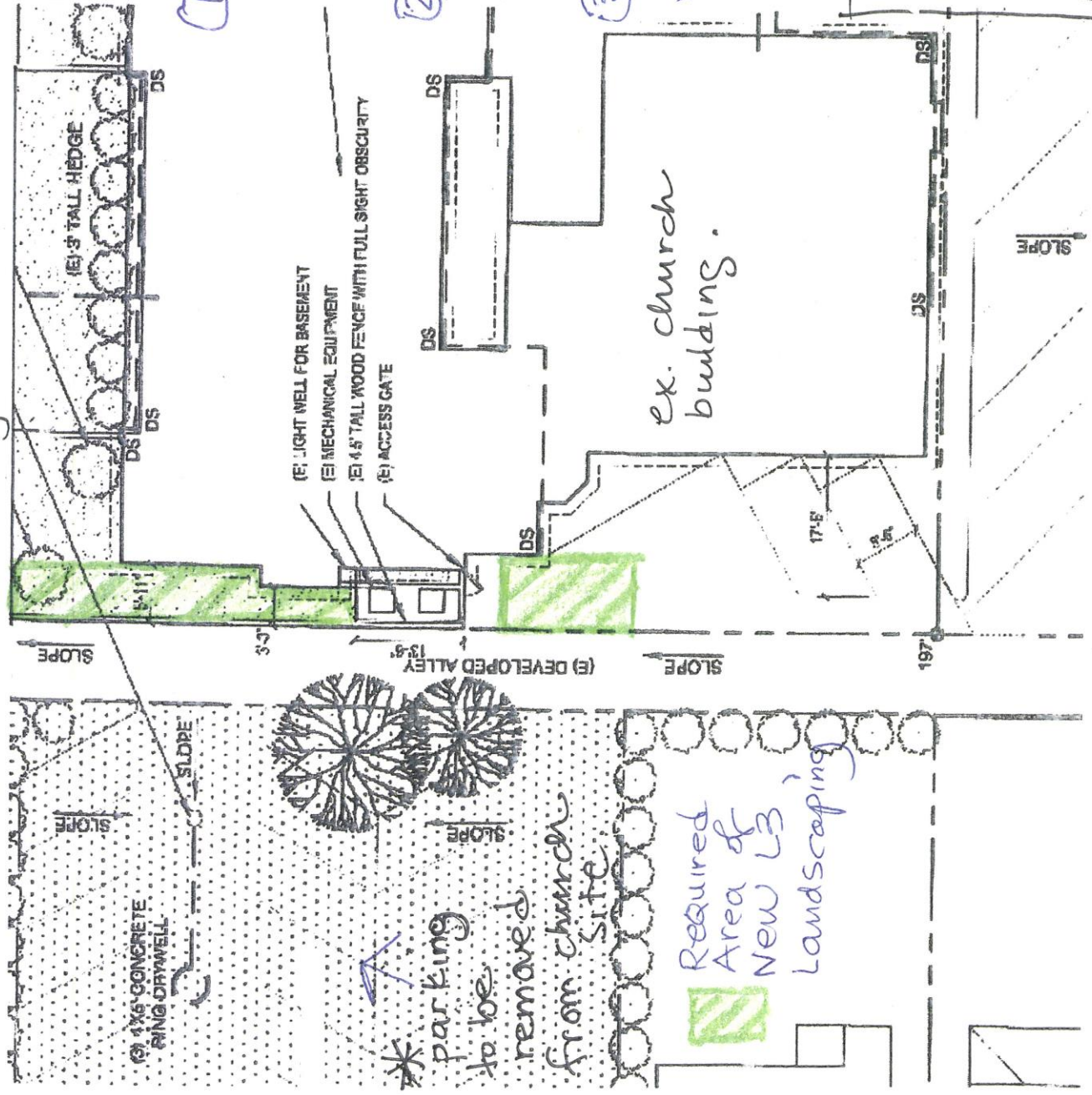


1. GENERAL SITE PLAN

17-167264 CU AD

NE Killingsworth St.

rec. 8/30/17



Adjustment Requests

- ① Reduce min. building setback for ex. Church from 11' to a range between 3'-3" to 5'-11".
- ② Reduce min. landscape setback from 10' to a range between 3'-3" to 5'-11".
- ③ Waive 10-foot setback for ex. mechanical equipment
- ④ Waive landscaping N (10 feet off L3) for ex. mechanical equipment

ENLARGED
UPDATED SITE PLAN

SHOWING
PROPOSED
WEST BOUNDARY
17.167264 CU FT

(E) 1x6 CONCRETE RING OR WELL

(E) LIGHT WELL FOR BASEMENT
(E) MECHANICAL EQUIPMENT
(E) 4'-5" TALL WOOD FENCE WITH FULL SIGHT OBSCURITY
(E) ACCESS GATE

ex. church building.

* parking to be removed from church site.

Required Area of New L3 Landscaping

SLOPE

SLOPE

(E) DEVELOPED ALLEY 13'-6"

SLOPE

19'-7"

SLOPE

SLOPE

SLOPE