



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

Dan Ryan, Commissioner  
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www.portland.gov/bds

**Date:** November 22, 2022  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
Don.Kienholz@portlandoregon.gov/503-865-6716

## **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 December 13, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-151005 NU, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

## **CASE FILE NUMBER: LU 22-151005 NU**

**Applicant:** James Alan  
Artisan Woodworking & Design  
1835 NE 3rd Ave  
Portland, OR 97212  
artisanwoodworking@comcast.net

**Owners:** Trevor C Pearson Fam Tr 2014 - 50%  
14377 Occidental Rd  
Sebastopol, Ca 95472

Courtney B Julep Fam Tr 2019 - 50%  
14377 Occidental Rd  
Sebastopol, Ca 95472

**Site Address:** 7205 NE M L KING BLVD

**Legal Description:** BLOCK 12 LOT 10&11, LOVES ADD  
**Tax Account No.:** R512501980  
**State ID No.:** 1N1E15AA 04200  
**Quarter Section:** 2330

**Neighborhood:** Piedmont, contact Deanne Gomez at gomez.deanne@yahoo.com  
**Business District:** Soul District Business Association, contact at Info@nnebaportland.org  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

**Plan District:** None  
**Zoning:** RM2dh – Multi-Dwelling Residential – 2 with a Design Overlay ('d') and  
**Case Type:** NU – Non-Conforming Situation Review  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The subject site is zoned Multi-Dwelling Residential – 2 (RM2) and the applicant is proposing to establish a cabinet making business in the existing building. Cabinet making is considered a Manufacturing and Production Use under 33.920.320 and prohibited in the RM2 zone. However, in 2009, an applicant documented a lawful Non-Conforming Vehicle Repair use had existed on the site since 1982 (PR 09-125328 CZA). Once it was determined the site had a lawful Non-Conforming Use established, an application was submitted, and approved, to change the Non-Conforming Use from Vehicle Repair (33.920.270) to Retail Sales and Service (33.920.250) under LU 09-129197 NU. Changing the established Non-Conforming Retail Sales and Service Use to another use category, Manufacturing and Production, is permitted provided the applicant can demonstrate the existing non-conforming use has not been discontinued and goes through a Non-Conforming Situation Review (33.258.050.C). Thus, the need for this review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Portland Zoning Code Section 33.258.080.B.1 and 2.

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 June 8, 2022 and determined to be complete on November 15, 2022.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. 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 Map  
Site Plan