



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 23, 2023
To: Interested Person
From: Leah Dawkins, Land Use Services
503-865-6734/Leah.Dawkins@portlandoregon.gov

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 February 13, 2023. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-199963 RP AD, 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 22-199963 RP AD

Representative: Renee France, Radler White Parks & Alexander LLP
111 SW Columbia St, Suite 700
Portland OR 97201
(971) 634-0217 / rfrance@radlerwhite.com

Applicant: John Rumpakis, Bitar Companies
2929 E Burnside St
Portland OR 97214

Owner/Applicant: Deanna Bitar, Northwest Cedars Management Inc/ Jema Bitar Properties LLC
9828 E Burnside St, Ste 200
Portland, OR 97216

Owners: Bitar Bros Robert A & Bitar Corp
2929 E Burnside St
Portland, OR 97214-1893

William F Betar Mgmt Inc Et Al
PO Box 90608
Portland, OR 97290

Site Address: 9100 SE POWELL BLVD

Legal Description: TL 200 1.09 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 7400 0.21 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 2700 0.25 ACRES UND

1/2 INT, SECTION 09 1S 2E; TL 2000 0.28 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 2400 0.32 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 2300 0.26 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 2100 0.30 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 2200 0.25 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 1900 1.72 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 400 1.39 ACRES, SECTION 09 1S 2E; TL 500 0.71 ACRES UND 1/2 INT, SECTION 09 1S 2E; TL 100 0.24 ACRES UND 1/2 INT, SECTION 09 1S 2E

Tax Account No.: R992090280, R992091140, R992093560, R992093570, R992093590, R992093600, R992093610, R992093620, R992095850, R992096040, R992096060, R992096130

State ID No.: 1S2E09CA 00200U1, 1S2E09CA 07400U1, 1S2E09CA 02700U1, 1S2E09CA 02000U1, 1S2E09CA 02400U1, 1S2E09CA 02300U1, 1S2E09CA 02100U1, 1S2E09CA 02200U1, 1S2E09CA 01900U1, 1S2E09CA 00400, 1S2E09CA 00500U1, 1S2E09CA 00100U1

Quarter Section: 3439

Neighborhood: Lents, contact at lentsneighborhood@gmail.com

Business District: Lents Grown Business Association, contact lentsgrown@gmail.com; Eighty-Second Ave of Roses Business Association, contact at 82ndaveba@gmail.com

District Coalition: East Portland Community Office, contact at info@eastportland.org

Plan District: None

Zoning: CE- Commercial Employment

Case Type: RP- Replat; AD- Adjustment

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to replat several historically platted lots into three parcels. Parcel 1 will be 153,868 square feet in size, Parcel 2 will be 81,535 square feet in size, and Parcel 3 will be 67,944 square feet in size. Parcel 1 will have street frontage along SE 92nd Avenue, Parcel 2 will have frontage along SE Powell Boulevard, and Parcel 3 will have frontage along both SE Powell Boulevard and SE 92nd Avenue. The existing development will remain on Parcels 2 and 3. Parcel 1 is vacant.

The replat approval criteria requires existing development to remain in conformance with the development standards of the zoning code and to ensure that the replat will not cause development to move further out of conformance unless an adjustment is approved. In this case, approval of the replat will reduce the required minimum landscaping for Parcel 3 below the required 15 percent of the site area. After the replat, Parcel 3 is required to have 10,192 square feet of landscaped site area but will only have 8,750 square feet, or 12 percent, of landscaped site area. The applicant has requested an adjustment to reduce the minimum landscaped area for Parcel 3 from 15 percent of the site area to 12 percent of the site area.

Relevant Approval Criteria:

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

- **Section 33.675.300, Replat Approval Criteria**
- **Section 33.805.040, Adjustments Approval Criteria**

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 November 3, 2022 and determined to be complete on January 17, 2023.

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
Existing Conditions and Partition Plat
Landscaped Area Plan