



**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  
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www.portland.gov/bds

**Date:** March 14, 2023  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-865-6513/Matt.Wickstrom@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 April 4, 2023. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 23-013453 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 23-013453 AD**

**Owner/Applicant:** Sam Wampler | 32 Division LLC  
9220 SW Barbur Blvd #119 PMB 205 | Portland, OR 97219-8878  
Phone: 503-515-9365 | Email: info@32div.com

**Site Address:** 3232 SE DIVISION ST

**Legal Description:** BLOCK 8 LOT 2, EAST PORTLAND HTS; BLOCK 8 LOT 3, EAST PORTLAND HTS

**Tax Account No.:** R226701230, R226701240

**State ID No.:** 1S1E12BA 02900, 1S1E12BA 01700

**Quarter Section:** 3333

**Neighborhood:** Richmond, contact Heather Flint Chatto at richmond.pdx.lutc@gmail.com

**Business District:** Division-Clinton Business Association, contact at info@divisionclinton.com

**District Coalition:** Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

**Plan District:** Division Street

**Zoning:** CM2dm (MU-U). The site is located in the Commercial/Mixed Use 2 with Design Overlay and Centers Main Street Overlay zoning. It is located in the Division Street Plan District and has a Mixed Use – Urban Center Comprehensive Plan Map designation.

**Case Type:** AD – Adjustment Review (1 Adjustment proposed)

**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant proposes to develop a food cart pod at this site with 12 food carts, landscaping and seating along SE Division Street, an internal seating area, a trash enclosure and on-site bathrooms. An existing building in the southwest corner of the site is proposed to remain as well. Food carts are considered vehicles, even if they are stationary on a site, and therefore need to be placed in locations where vehicle area is allowed. In this location, the Centers Main Street Overlay zone limits the amount of vehicle area to no more than 30 percent of any transit street frontage. The purpose of the regulation is to minimize conflicts between vehicles and pedestrians on transit streets and to create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located. Based on the proposal, the food cart pod, and therefore the amount of vehicle area, will occupy 83 percent of the transit street frontage. The applicant proposes one Adjustment to Portland Zoning Code Section 33.415.330 Location of Vehicle Area to increase the allowed amount of vehicle area from 30 percent to 83 percent for the food cart pod.

**Relevant Approval Criteria:**

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

**33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and *(not applicable)*
- D.** City-designated scenic resources and historic resources are preserved; *(not applicable)*
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; *(not applicable)*

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 March 21, 2022 and determined to be complete on February 15, 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 Adjustment Committee. 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