



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

Ted Wheeler, Mayor  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL  
ON AN APPEAL OF A LAND USE DECISION BY THE LAND USE  
HEARINGS OFFICER**

CASE FILE: **LU 18-174083 CU**  
Hearings Office Case # 4180018

WHEN: **October 25, 2018 at 2:30 PM**

WHERE: City Council Chambers  
1221 SW Fourth Avenue

Notice mail date: October 4, 2018

To: Interested Person

From: Andrew Gulizia, City Planner  
(503) 823-7010, [andrew.gulizia@portlandoregon.gov](mailto:andrew.gulizia@portlandoregon.gov)

A public hearing will be held to consider an appeal of a land use decision. On September 12, 2018, the Land Use Hearings Officer issued an approval with conditions for a Conditional Use Review for a new 8-space parking lot at the Imago Dei Ministries property at 1404 SE Ankeny Street. This decision was appealed by Deborah A. Byrne. At the October 25, 2018 public hearing, City Council will consider the appeal. You are invited to testify at the hearing.

This will be an “on-the-record” hearing in which the City Council will decide the appeal based on the evidence in the public record that was available to the Hearings Officer. New evidence cannot be considered by the City Council.

Copies of the zoning map, proposed site plan, and proposed landscaping plan are attached. I am the staff person handling this case. Please contact me with any questions regarding the proposal, the Council hearing, or how to testify in this matter. The last page of this notice contains a general explanation of the City Council hearing process.

**GENERAL INFORMATION**

**Applicant’s Representative:** Renee France | Radler White Parks & Alexander LLP  
111 SW Columbia St., Ste. 700 | Portland, OR 97201

**Applicant/Owner:** Imago Dei Ministries | Attn: Joel Paul  
1302 SE Ankeny St. | Portland, OR 97214

**Appellant:** Deborah Byrne  
224 SE 15th Ave. | Portland OR 97214

**Site Address:** 1404 SE Ankeny St.

**Legal Description:** BLOCK 278 W 60' OF LOT 3&4, AIKENS; BLOCK 278 LOT 1&2 E 40' OF LOT 3&4 INC PT VAC ST LOT 5-8, AIKENS; BLOCK 305 INC PT VAC ST, AIKENS

**Tax Account No.:** R005100500, R005100510, R005100990

**State ID No.:** 1N1E35CD 05200, 1N1E35CD 05100, 1N1E35DC 05300

**Quarter Section:** 3031, 3032

**Neighborhood:** Buckman, contact Richard Johnson at buckmanlandusepdx@gmail.com

**Business District:** None

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010

**Zoning:** R1 (Multi-Dwelling Residential 1,000), R2.5 (Single-Dwelling Residential 2,500)

**Case Type:** CU – Conditional Use Review

**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:** The subject site is developed with a church, which is a Conditional Use in the R1 and R2.5 residential zones. The applicant requests Conditional Use Review approval for a new 8-space parking lot in the northeast corner of the site. There is already a 12-space parking lot in the southwest corner of the site, so the proposal would increase the number of parking spaces on the site from 12 to 20. Type III Conditional Use Review is required for the additional parking spaces per Zoning Code Section 33.815.040.B.2.

**Relevant Approval Criteria:** To be approved, this proposal must comply with the approval criteria of Title 33, the Portland Zoning Code. The relevant criteria are in Zoning Code Section 33.815.105.A-E.

## HEARINGS OFFICER'S DECISION

**Approval** of a Conditional Use Review for a new eight-space parking lot on the Imago Dei church property (Subject Property), per the approved plans in Exhibits C.1 through C.4, and subject to the following condition:

- A. As part of the permit application submittal for the new parking lot, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1 through C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-174083 CU."

The full decision is available on the Hearings Office website:

<https://www.portlandoregon.gov/bds/article/697946>

## APPEAL OF THE HEARINGS OFFICER'S DECISION

The Hearings Officer's decision was appealed by Deborah A. Byrne (the appellant). The appellant states the proposal does not meet the approval criteria in Zoning Code Sections 33.815.105.B.2, 33.815.105.C.1, and 33.815.105.C.2. The appellant also states the proposal that was considered by the Hearings Officer was not a complete account of the applicant's intentions for the new parking lot.

The full appeal statement can be viewed in the notice located on the BDS website at <https://www.portlandoregon.gov/bds/46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number.

**Review of the Case File:** The Hearings Officer's decision and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4<sup>th</sup> Floor, Portland OR 97201. Please contact support staff at 503-823-7617 to schedule a time to review the file. 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 for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at [www.portlandoregon.gov](http://www.portlandoregon.gov).

**We are seeking your comments on the proposal.** The hearing will be held before the City Council. To comment, you may write or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. Written comments must be given to the Council Clerk in person, mailed to 1221 SW Fourth Avenue, Room 130, Portland, OR 97204, or e-mailed to [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

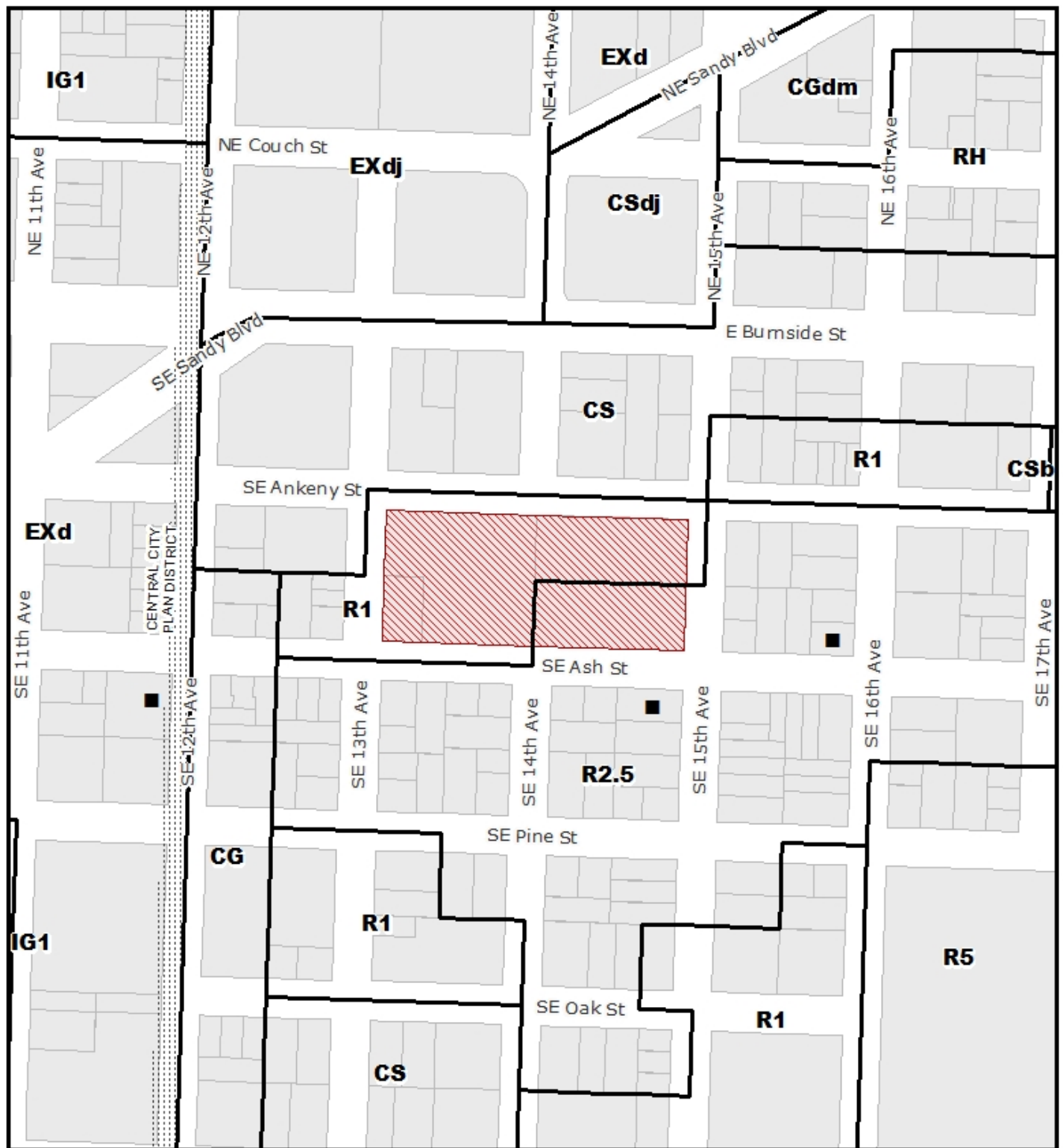
**Appeal of the City Council's decision:** The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer Street NE, Suite 330, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, 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.

**Transportation to City Hall:** Public transportation to City Hall is available. See [www.trimet.org](http://www.trimet.org) or call TriMet at (503) 238-7433 for routes and times. Parking garages are available in the vicinity.

**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:**

1. Zoning map
2. Site plan
3. Landscaping plan
4. City Council Appeal Hearing Process for "on the record" land use appeals
5. Appeal Statement (on-line version only)



# ZONING



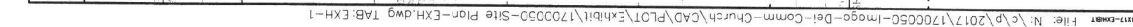
Site



Historic Landmark

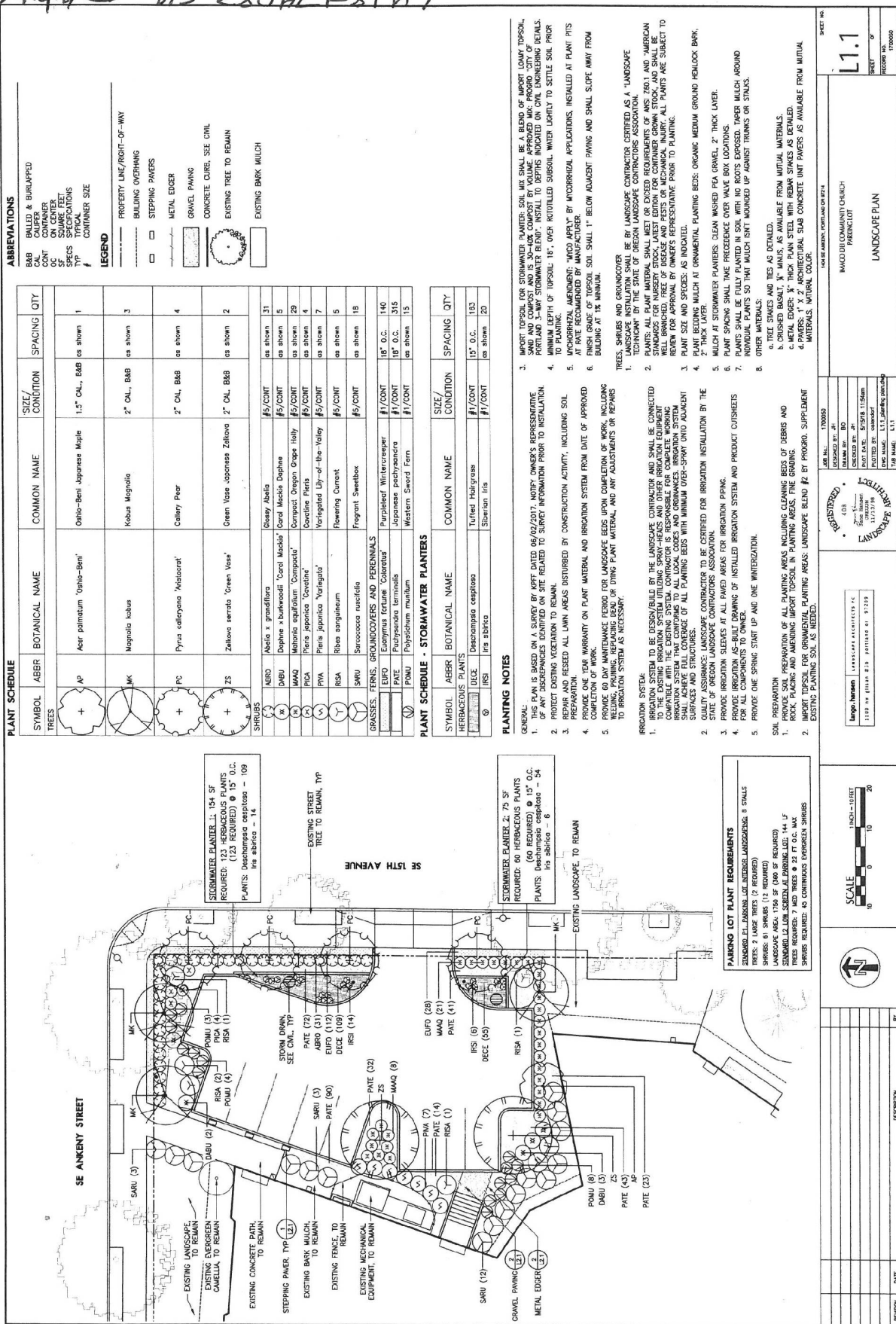
File No.	LU 18-174083 CU
1/4 Section	3031,3032
Scale	1 inch = 200 feet
State ID	1N1E35DC 5300
Exhibit	B May 22, 2018

LN 18-174083 CM Exhibit C-1



Plotted: 7/24/18 at 10:38am By: ryanm

Ln 18-174083 cm Exhibit C-2



LU 18-174083 CW



## GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR ON-THE-RECORD APPEALS

### 1. SUBMISSION OF LEGAL ARGUMENT

- a. On-the record appeals are limited to legal argument only. The only evidence that will be considered by the City Council is the evidence that was submitted to the Hearings Officer prior to the date the Hearings Officer closed the evidentiary record. Parties may refer to and criticize or make arguments in support of the validity of evidence received by the Hearings Officer. However, parties may not submit new evidence to supplement or rebut the evidence received by the Hearings Officer.
- b. Written legal argument must be received by the time of the hearing and should include the case file number. Testimony may be submitted via email to [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov) or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204.
- c. Legal argument may be submitted orally (see below).

### 2. COUNCIL REVIEW

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of Appeal (Applicant)	15 minutes
Other Opponents of Appeal	3 minutes each
Appellant's Rebuttal	5 minutes
Council Discussion	
- b. The applicant has the burden of proof to show that the evidentiary record compiled by the Hearings Officer demonstrates that each and every element of the approval criteria is satisfied. If the applicant is the appellant, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the applicant must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidentiary record compiled by the Hearings Officer demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong approval criteria are being applied or additional approval criteria should be applied.

### 3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review by appointment, at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, #5000, Portland, OR 97201. Call 503-823-7617 to make an appoint to review the file.

**If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**