

131 / 340 / MAYOR / AMY RUIZ	YVONNE POELWIJK 1900 SW 4 <sup>TH</sup> AVE, STE 5000 PORTLAND, OR 97204	DOUGLAS HARDY DEVELOPMENT SERVICES 299/5000
DOUG MORGAN DEVELOPMENT SERVICES 299/5000	KURT KRUEGER PBOT 106/800	DAWN KRANTZ PORTLAND FIRE BUREAU 472/100
WATER BUREAU PERMITS 106/601	RICH CASSIDY PBOT 106/800	OREGONIAN PORTLAND TEAM 1320 SW BROADWAY PORTLAND, OR 97201
RODNEY GRINBERG LINDQUIST DEVELOPMENT CO PO BOX 43135 PORTLAND, OR 97242	KEITH SKILLE GBD ARCHITECTS 1120 NW COUCH ST #300 PORTLAND, OR 97209	KEITH SKILLE GBD ARCHITECTS 1120 NW COUCH ST #310 PORTLAND, OR 97209
CARRIE A. RICHTER GARVEY SCHUBERT BARER 121 SW MORRISON ST 11 <sup>TH</sup> FLOOR PORTLAND, OR 97204	BRIAN ALFANO SOUTH PORTLAND BUSINESS ASSOC 3606 SW BOND AVE PORTLAND, OR 97239	JIM DAVIS SOUTH PORTLAND NA 2337 SW 6 <sup>TH</sup> AVENUE PORTLAND, OR 97201
LEONARD GARD SOUTHWEST NEIGHBORHOODS, INC. 7688 SW CAPITOL HWY PORTLAND, OR 97219	PETER FENNER 3550 SW BOND #2807 PORTLAND, OR 97239	RENEE FELLMAN 3570 SW RIVER PKWY SUITE 1313 PORTLAND, OR 97239
SALLY T. KENNEY 3601 SW RIVER PKWY #714 PORTLAND, OR 97239	DEE WALSH CENTRAL EASTSIDE INDUST REACH COMM. DEV. INC. 1135 SE SALMON ST PORTLAND, OR 97214	JD WATUMULL WATUMULL PROPERTIES CORP 307 LEWERS ST, 6 <sup>TH</sup> FLOOR HONOLULU, HI 96815
RICHARD PALANIUK 3580 SW RIVER PKWY PORTLAND, OR 97239	KITTELSON & ASSOCIATES, INC. 610 SW ALDER ST SUITE 700 PORTLAND, OR 97205	SABRINA STEIN 3601 SW RIVER PKWY SUITE 2801 PORTLAND, OR 97239
ANNA POOLE 3601 SW RIVER PKWY #911 PORTLAND, OR 97239	MARY ELLEN MARMADUKE 3601 SW RIVER PKWY PORTLAND, OR 97239	BOB HALEY PBOT 299/5000
JOHN M. JUNKIN GARVEY SCHUBERT BARER 121 SW MORRISON ST 11 <sup>TH</sup> FLOOR PORTLAND, OR 97204	Returned undeliverable <del>JOHN M. JUNKIN GARVEY SCHUBERT BARER 111 SW FIRST PORTLAND, OR 97201</del>	ELIZABETH GODFREY 511 NW BROADWAY PORTLAND, OR 97209

MATT HUGHART  
KITTELSON & ASSOCIATES  
610 SW ALDER  
PORTLAND, OR 97225

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BES / DEV. SERVICES  
106/1100

WENDY CAWLEY  
PBOT  
299/5000

LU 11-124052 CU PR  
TO BE SENT 8/2/2011  
69 LABELS  
RESCHEDULED NOTICE  
TO BE SENT 8/17/2011  
68 LABELS



**CITY OF  
PORTLAND, OREGON  
OFFICE OF THE CITY AUDITOR**

1221 SW 4<sup>th</sup> Ave, Room 140  
Portland, Oregon 97204-1987

*8-30-11 - Retailed  
3570 SW River Pkwy  
#501*

Address Service  
Requested



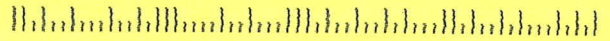
Hasler

016H26521487  
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08/17/2011  
Mailed From 97204  
**US POSTAGE**

DR. ROGER GERTENRICH  
3750 SW RIVER PKWY #5001  
PORTLAND, OR 97239

NIXIE 970 DE 1 00 08/20/11  
RETURN TO SENDER  
NO SUCH NUMBER  
UNABLE TO FORWARD

BC: 97204198799 \*0329-00057-17-41



97204198799





**CITY OF  
PORTLAND, OREGON  
OFFICE OF THE CITY AUDITOR**

1221 SW 4<sup>th</sup> Ave, Room 140  
Portland, Oregon 97204-1987



Hasler

016H26521487

**\$00.44<sup>0</sup>**

08/17/2011

Mailed From 97204  
**US POSTAGE**

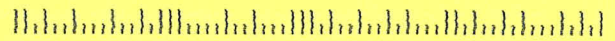
Address Service  
Requested

SHIRLEY PAPE  
3550 SW BOND AVE  
PORTLAND, OR 97239

NIXIE 970 DE 1 00 08/20/11

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

BC: 97204198799 \*0329-00030-17-41



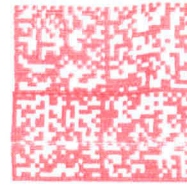
97204198799





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1221 SW 4<sup>th</sup> Ave, Room 140  
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Haster

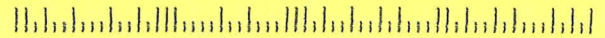
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**\$00.64<sub>0</sub>**  
08/02/2011  
Mailed From 97204  
**US POSTAGE**

JOHN M. JUNKIN  
GARVEY SCHUBERT BARER  
111 SW FIRST  
PORTLAND, OR 97201

NIXIE 970 DE 1 00 08/03/11

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 97204198799 \*0529-01368-02-44



972013325  
972041987





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

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

**CASE FILE: LU 11-124052 CU PR**  
**(Immigration and Customs Enforcement  
Detention Facility)**  
**WHEN: Wednesday, September 21, 2011, 2:00 PM**  
**WHERE: Council Chambers, 1221 SW Fourth Avenue**

**Date:** August 17, 2011  
**To:** Interested Person  
**From:** Douglas Hardy, Senior Planner, Land Use Services, 503-823-7816

This is a notice of a rescheduled public hearing to consider an appeal of the Hearings Officer's decision to deny a Conditional Use Review to locate a Detention Facility at the site. The Hearings Officer decision to deny the Conditional Use has been appealed by Rodney Grinsberg, property-owner, represented by John Junkin, attorney with Garvey Schubert Barer. **Please note that the appeal hearing date originally scheduled for August 24<sup>th</sup>, 2011, has been rescheduled to September 21, 2011 at 2:00 PM.**

At the hearing, the City Council will consider the appeal. You are invited to testify at the hearing. This will be an on-the-record hearing, one in which no new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

**GENERAL INFORMATION**

**File No.:** LU 11-124052 CU PR (HO 4110014)

**Applicant:** Rodney Grinberg, property-owner  
Lindquist Development Company  
P.O. Box 43135  
Portland, OR 97242

Keith Skille, architect  
GBD Architects  
1120 NW Couch Street, # 310  
Portland, OR 97209

Carrie Richter, attorney  
Garvey Schubert Barer  
121 SW Morrison Street, 11th Floor  
Portland, OR 97204

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Douglas Hardy

**Site Address:** 4310 SW Macadam Avenue

**Legal Description:** TL 500 1.24 Aacres, Section 10 1S 1E  
**Tax Account No.:** R991100800  
**State ID No.:** 1S1E10CD 00500  
**Quarter Section:** 3429

**Neighborhood:** South Portland, contact Jim Davis at 503-248-9820  
**Business District:** South Portland Business Association, contact Brian Alfano at 503-288-5661  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

**Plan District:** Central City - South Waterfront  
**Zoning:** CXd - Central Commercial with a Design overlay

**Case Type:** Type III Conditional Use Review  
Type III Central City Parking Review

**BDS Staff Recommendation to Hearings Officer: Approval with Conditions** of a Conditional Use Review to establish a Detention Facility; and **Approval** of a Central City Parking Review to allow a 106-space accessory parking facility.

**Public Hearing:** The hearing was opened at 9:01 AM on July 6, 2011, in Suite 2500A, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 11:47 AM. The record was held open until 4:30 PM on July 13, 2011 for new written evidence and until 4:30 PM on July 18, 2011 for Applicants' rebuttal. The record was closed at that time.

**Testified at the Hearing:**

Douglas Hardy, BDS Staff Representative  
Bob Haley, Portland Bureau of Transportation, 1900 SW 5th Avenue, Suite 500, Portland, OR 97201  
John Junkin, Garvey Schubert Barer, 111 SW 1st Street, Portland, OR 97201  
Keith Skille, GBD Architects, 1120 NW Couch, Suite 300, Portland, OR 97209  
Elizabeth Godfrey, 511 NW Broadway, Portland, OR 97209  
Matt Hughart, Kittelson and Associates, 610 SW Alder, Portland, OR 97225  
Scott Matson, 400 15th Street SW, Auburn, WA 98001  
Pat Prendergast, 3720 SW Bond, Portland, OR 97239  
Jim Davis, Land Use Chair and Vice President of South Portland Neighborhood Association, 2337 SW 6th Avenue, Portland, OR 97201  
William Danneman, 623 SW Caruthers Street, Portland, OR 97201  
Jim Farzan, 0836 SW Curry Street, Portland, OR 97239  
Shirley Pape, 3550 SW Bond Avenue, Portland, OR 97239  
Irene Tinker, 3550 SW Bond Avenue #1508, Portland, OR 97239  
Gustave Leonard Michon, Jr., 0841 SW Gaines Street, Unit 1906, Portland, OR 97239-3104  
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Jim Luke, 3570 SW River Parkway, Portland, OR 97239  
Kathleen Tooke, 3570 SW River Parkway #2003, Portland, OR 97239  
Craig C. Ramsey, 3601 SW River Parkway #2308, Portland, OR 97239  
Kristian Pearlman, 4614 SE 32nd Avenue, Portland, OR 97202



**Proposal:** The applicant seeks approval of a Type III Conditional Use to allow a Detention Facility at this address, which will be operated by two Immigration and Customs Enforcement (ICE) agencies: Homeland Security Investigations; and Enforcement and Removal Operations. The Detention Facility will be located in an existing building that recently received Design Review approval (LU 10-145100 DZM) for a 64,948 square foot expansion. The Detention Facility will consist of four holding cells and support space occupying 5,198 square feet of the 114,279 square foot building. The facility will process an average of 10 to 15 detainees daily, with no detainee held at the facility for more than 12 hours. No detainees will be held overnight at the facility. No exterior alterations to the building or site that were not approved under the recent Design Review are proposed as part of this review.

The expanded building will contain a total of 106 parking spaces in a parking structure for use by office tenants of the building and the Detention Facility. Because more than 60 parking on-site spaces are proposed, some of which will be used by the Detention Facility, a Type III Central City Parking Review is also required. The Hearings Officer approved the Central City Parking Review, and no appeal has been filed for this approval.

**Approval Criteria:**

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

- 33.815.205 Conditional Use Review for Detention Facilities; and
- 33.808.100 General Approval Criteria for Central City Parking Review

**REVIEW BODY DECISION**

**Denial** of a Conditional Use to establish a Detention Facility.

**Approval** of a Central City Parking Review to establish a 106-space accessory parking facility.

**APPEAL**

**The Hearings Officer's decision to deny the Conditional Use Review to allow the establishment of a Detention Facility at this site has been appealed by Rodney Grinsberg, property-owner, represented by John Junkin, attorney with Garvey Schubert Barer. The appellants are challenging the Hearings Officer's decision that the Safety criterion (33.815.205.B) has not been met. The appellant's full statement is attached.**

**Review of the case file:** The Hearings Officer's decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

**We are seeking your comments on the appeal of this proposal.** The hearing will be held before the City Council. To comment on the appeal, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk ([karla.moore-love@portlandoregon.gov](mailto:karla.moore-love@portlandoregon.gov)). Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**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.**

131 / 340 / MAYOR / AMY RUIZ

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PORTLAND LAND USE HEARINGS OFFICER DECISION**

**CASE FILE: LU 11-124052 CU PR**  
**(Immigration and Customs Enforcement  
Detention Facility)**  
**WHEN: Wednesday, August 24, 2011, 2:00 PM**  
**WHERE: Council Chambers, 1221 SW Fourth Avenue**

**Date:** August 2, 2011  
**To:** Interested Person  
**From:** Douglas Hardy, Senior Planner, Land Use Services, 503-823-7816

This is a notice of a public hearing to consider a potential appeal of the Hearings Officer's decision to approve with conditions a Conditional Use Review and Central City Parking Review to locate a Detention Facility at the site, with a 106-space parking facility. Should the Hearings Officer's decision be appealed, a second notice will be provided that identifies the appellant, and the reasons for the appeal. In the case an appeal of the Hearings Officer's decision is not filed, no public hearing will be held.

If an appeal is filed and a hearing is held, City Council will consider the appeal. You are invited to testify at the hearing. **This will be an on-the-record hearing, one in which no new evidence can be submitted to the City Council.** For a general explanation of the City Council hearing process please refer to the last page of this notice.

**GENERAL INFORMATION**

**File No.:** LU 11-124052 CU PR (HO 4110014)

**Applicant:** Rodney Grinberg, property-owner  
Lindquist Development Company  
P.O. Box 43135  
Portland, OR 97242

Keith Skille, architect  
GBD Architects  
1120 NW Couch Street, # 310  
Portland, OR 97209

Carrie Richter, attorney  
Garvey Schubert Barer  
121 SW Morrison Street, 11th Floor  
Portland, OR 97204

**Hearings Officer:** Gregory J. Frank

**Bureau of Development Services (BDS) Staff Representative:** Douglas Hardy

**Site Address:** 4310 SW Macadam Avenue

**Legal Description:** TL 500 1.24 Aacres, Section 10 1S 1E

**Tax Account No.:** R991100800

**State ID No.:** 1S1E10CD 00500

**Quarter Section:** 3429

**Neighborhood:** South Portland, contact Jim Davis at 503-248-9820

**Business District:** South Portland Business Association, contact Brian Alfano at 503-288-5661

**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592

**Plan District:** Central City - South Waterfront

**Zoning:** CXd Central Commercial with a Design overlay

**Case Type:** Type III Conditional Use Review  
Type III Central City Parking Review

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Proposal:** The applicant seeks approval of a Type III Conditional Use to allow a Detention Facility at this address, which will be operated by two Immigrations and Customs Enforcement (ICE) agencies: Homeland Security Investigations; and Enforcement and Removal Operations. The Detention Facility will be located in an existing building that recently received Design Review approval (LU 10-145100 DZM) for a 64,948 square foot expansion. The Detention Facility will consist of four holding cells and support space occupying 5,198 square feet of the 114,279 square foot building. The facility will process an average of 10 to 15 detainees daily, with no detainee held at the facility for more than 12 hours. No detainees will be held overnight at the facility. No exterior alterations to the building or site that were not approved under the recent Design Review are proposed as part of this review.

The expanded building will contain a total of 106 parking spaces in a parking structure for use by office tenants of the building and the Detention Facility. Because more than 60 parking on-site spaces are proposed, some of which will be used by the Detention Facility, a Type III Central City Parking Review is also required

**Approval Criteria:**

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

- 33.815.205 Conditional Use Review for Detention Facilities; and
- 33.808.100 General Approval Criteria for Central City Parking Review

**REVIEW BODY DECISION**

The Hearings Officer's decision on this proposal will be issued by August 4, 2011. If the Hearings Officer's decision is appealed, a second notice will be provided that includes the decision and any conditions.

## **APPEAL**

The Hearings Officer's decision on this proposal has not been issued, and no appeal has yet been filed. Should an appeal of the Hearing's Officer decision be filed, a second notice will be provided that identifies the name of the appellant(s), and the grounds for the appeal.

**Review of the case file:** The Hearings Officer's decision and all evidence on this case will be available for review at least 14 days prior to the hearing at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, # 5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

**We are seeking your comments on the appeal of this proposal.** If the Hearings Officer's decision on this proposal is appealed, a hearing will be held before the City Council. To comment on the appeal, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please direct it to the Council Clerk ([karla.moore-love@portlandoregon.gov](mailto:karla.moore-love@portlandoregon.gov)). Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

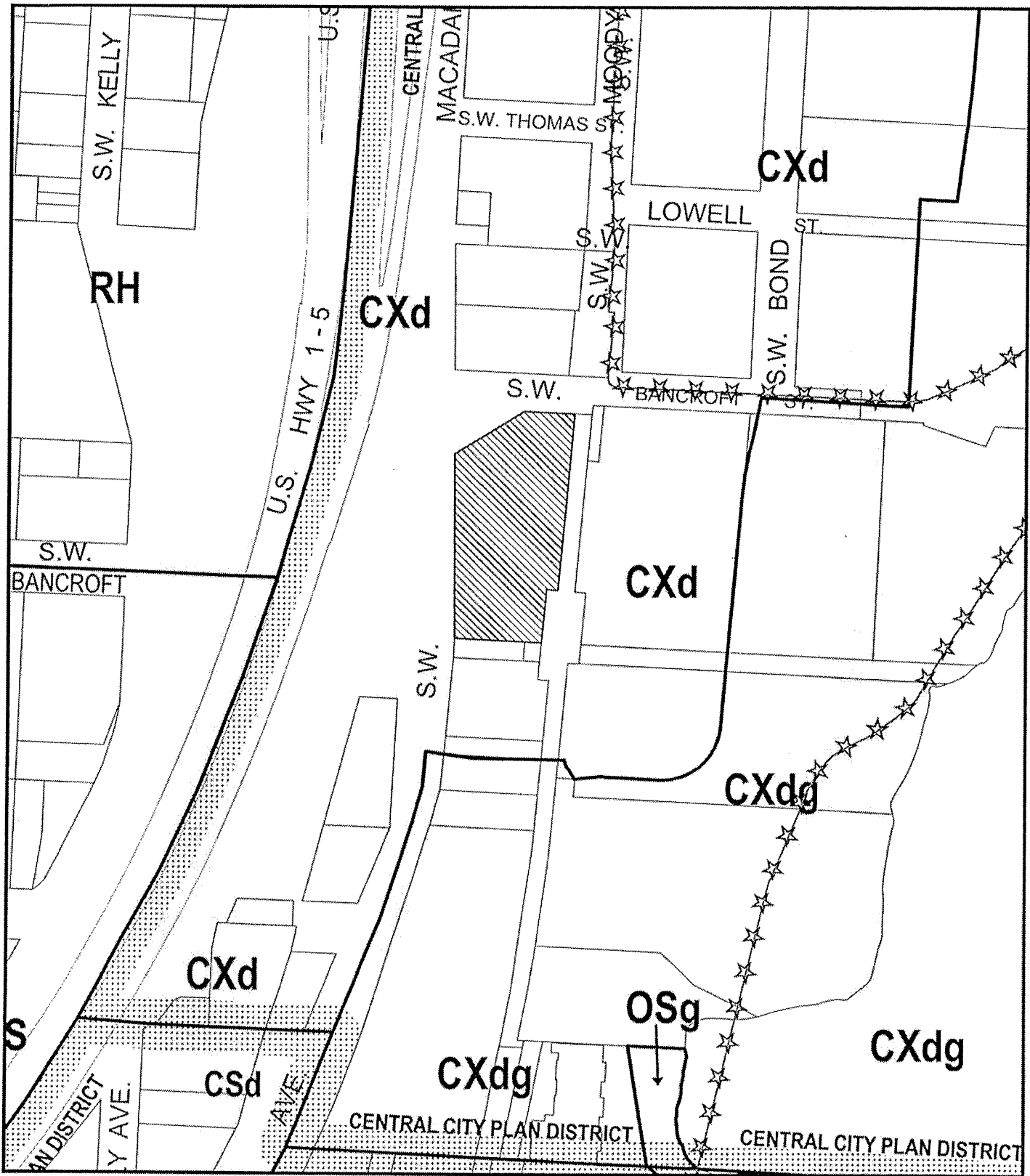
City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**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.**

### Attachments

1. Zoning Map
2. Site plan
3. Building Elevations
4. City Council Appeal Process





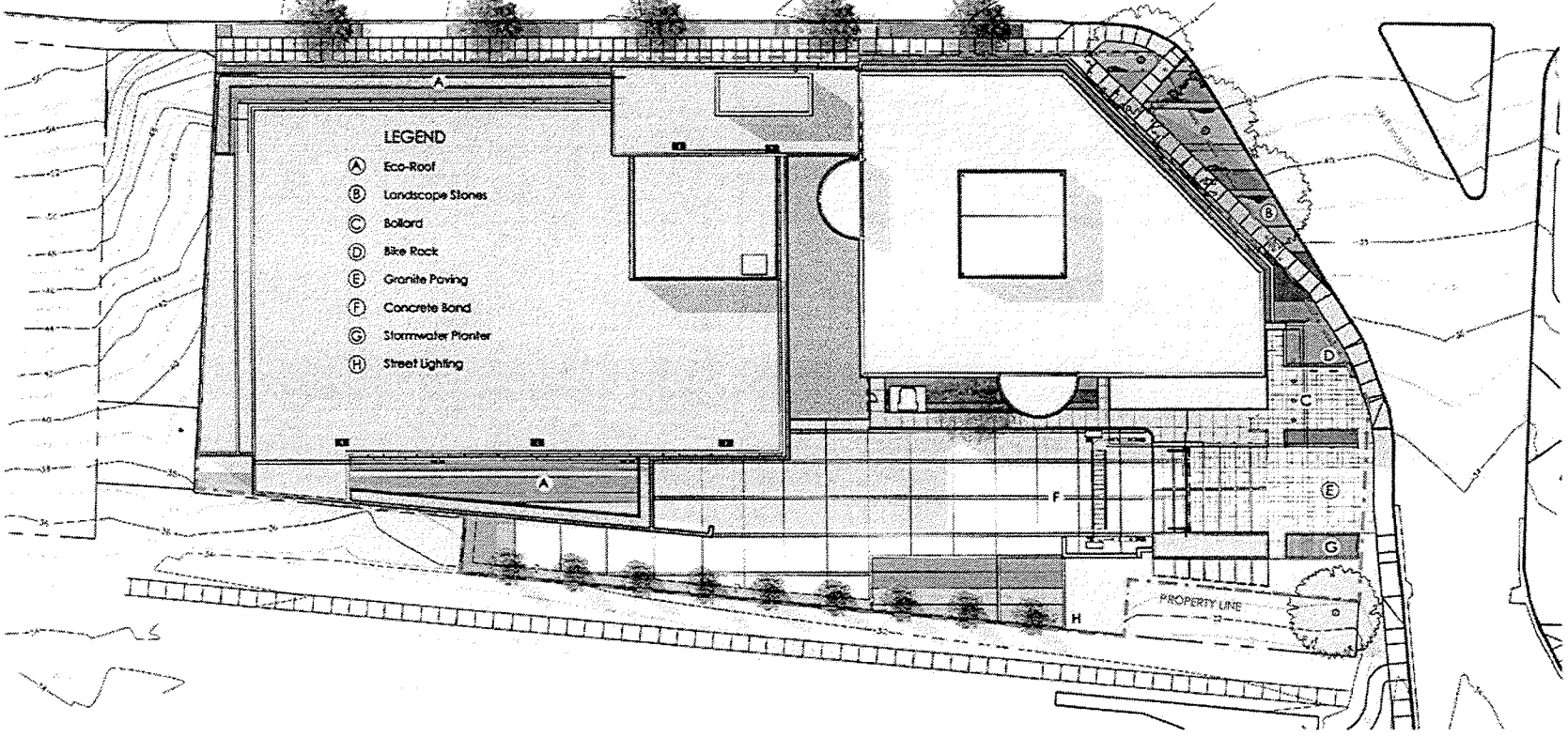
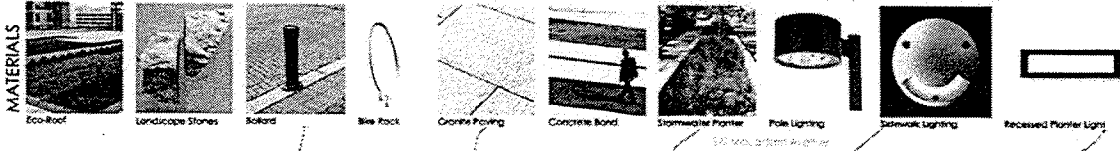
# ZONING

 Site



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 11-124052 CU,PR  
 1/4 Section 3429  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E10CD 500  
 Exhibit B (Apr 01,2011)



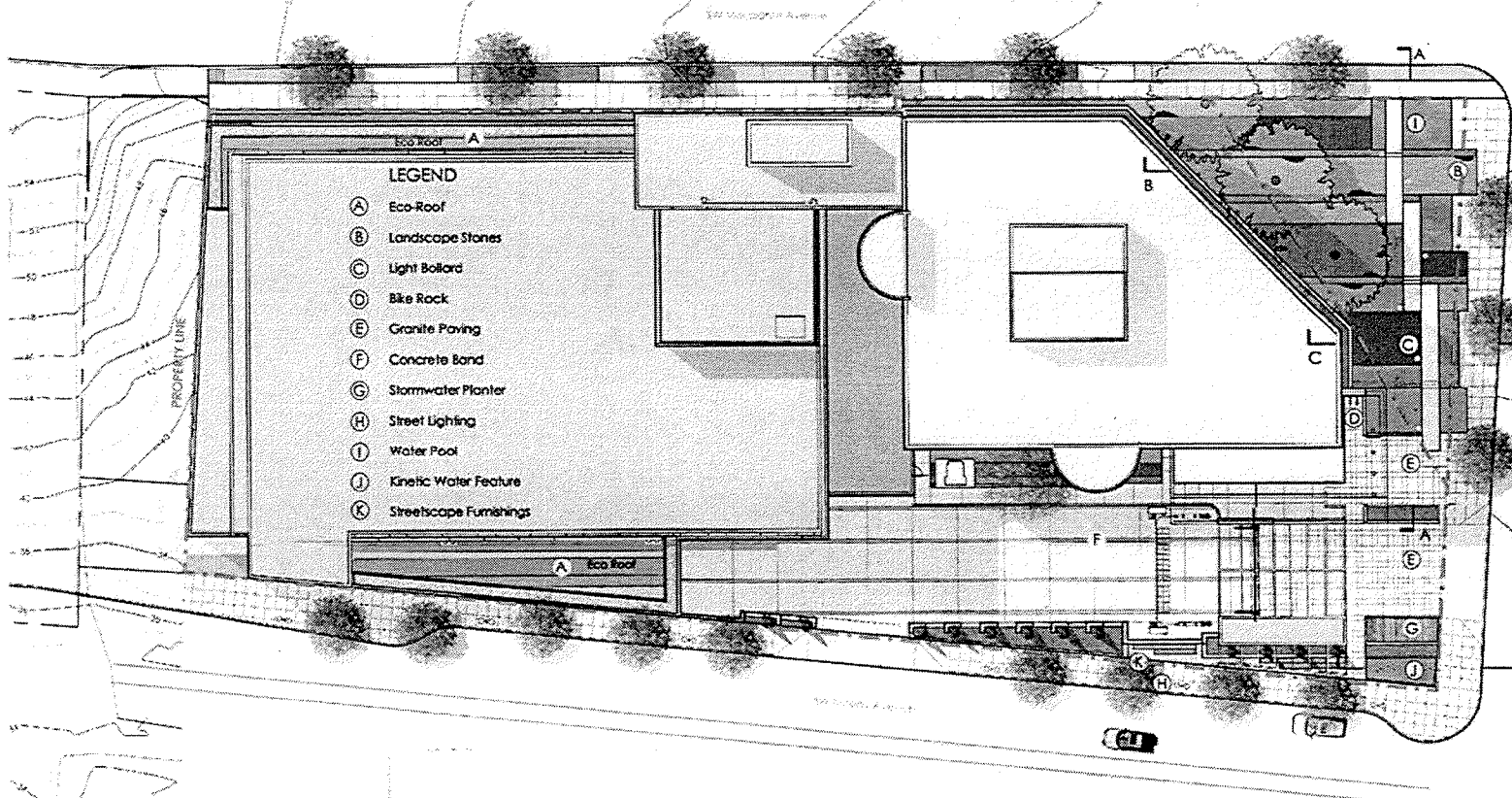
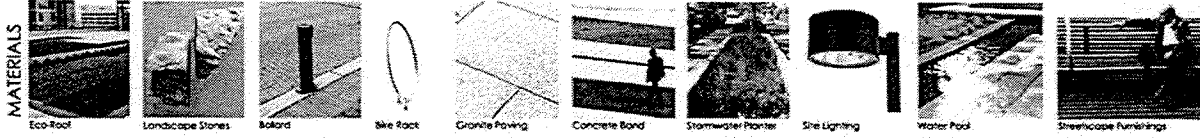
LANDSCAPE MATERIALS PLAN - INITIAL DEVELOPMENT

1/32" = 1'-0"



DESIGN REVIEW APPLICATION

CASE NO. II-124022  
EXHIBIT C1



LANDSCAPE MATERIALS PLAN - FUTURE DEVELOPMENT  
1/32" = 1'-0"

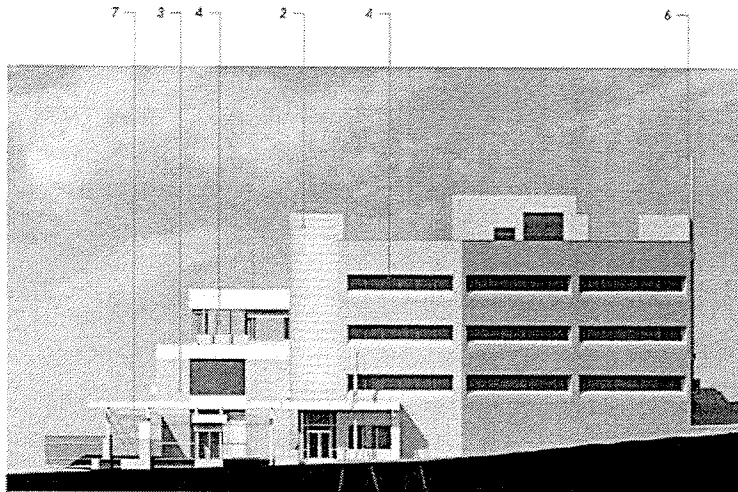
4313 SW MACADAM, PORTLAND, OREGON

DESIGN REVIEW APPLICATION

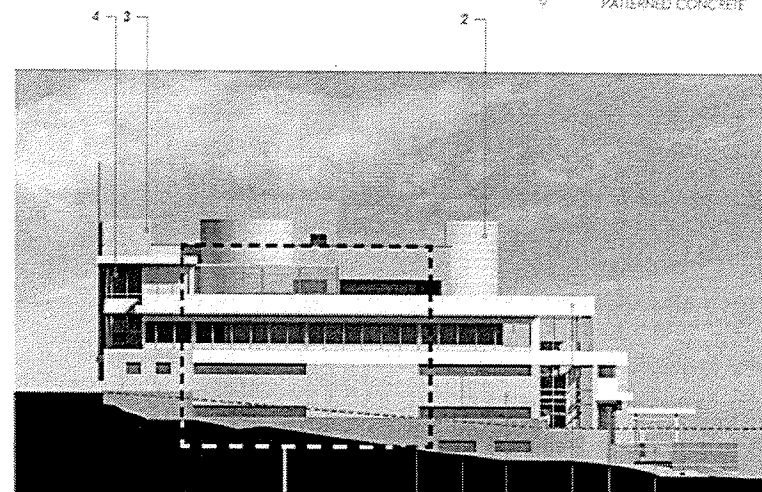
CASE NO. 11-124052  
EXHIBIT C2

MATERIAL LEGEND

- 1 EXISTING SYNTH. PLASTER
- 2 EXISTING BRICK
- 3 BRICK
- 4 VISION GLAZING
- 5 METAL PANEL
- 6 ALUMINUM FLAGPOLE
- 7 METAL SECURITY GATE
- 8 WOVEN WIRE MESH
- 9 PATTERNED CONCRETE



KEYPLAN



KEYPLAN

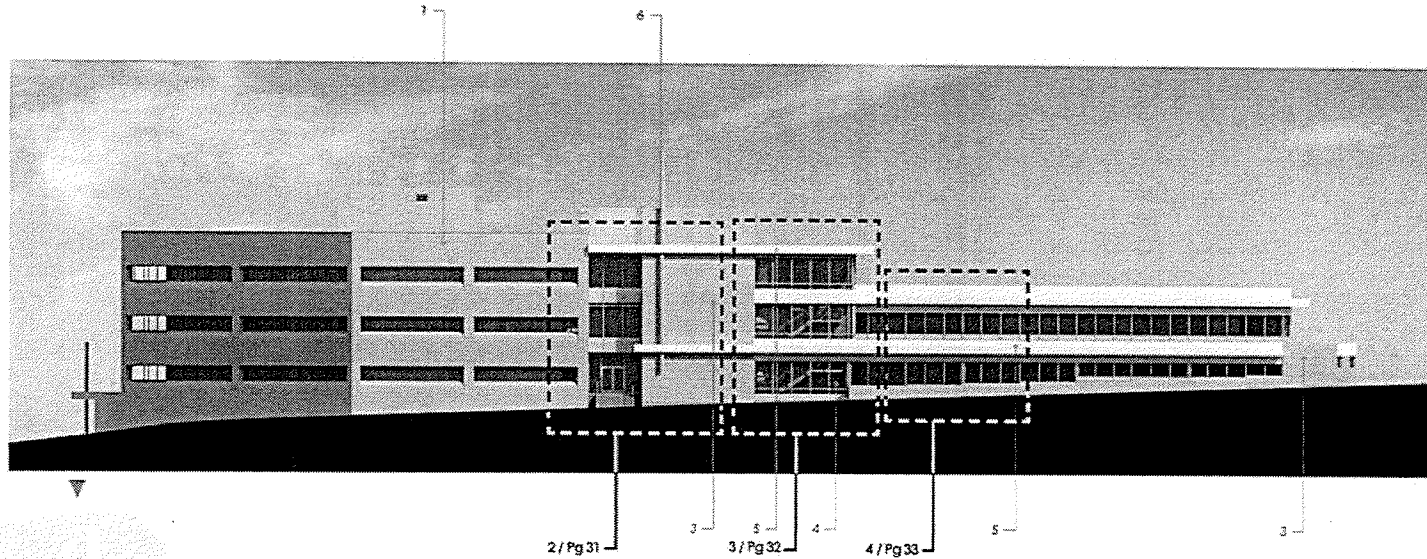
5/Pg34

ELEVATIONS - NORTH + SOUTH

CASE NO. 11-124052  
EXHIBIT C3

MATERIAL LEGEND

- 1 EXISTING SYNTH. PLASTER
- 2 EXISTING BRICK
- 3 BRICK
- 4 VISION GLAZING
- 5 METAL PANEL
- 6 ALUMINUM FLAGPOLE
- 7 METAL SECURITY GATE
- 8 WOVEN WIRE MESH



KEYPLAN

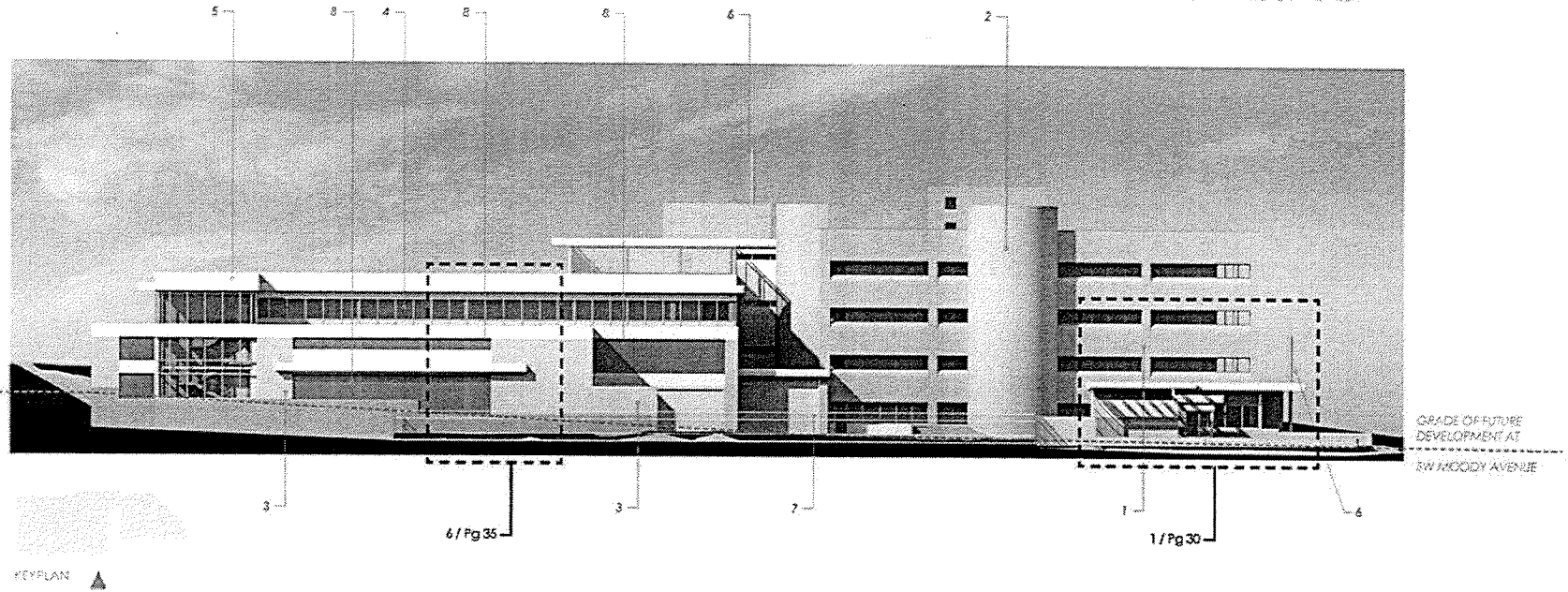
ELEVATION - WEST

CASE NO. 11724052  
 EXHIBIT CA



MATERIAL LEGEND

- 1 EXISTING SYNTH. PLASTER
- 2 EXISTING BRICK
- 3 BRICK
- 4 VISION GLAZING
- 5 METAL PANEL
- 6 ALUMINUM FLAGPOLE
- 7 METAL SECURITY GATE
- 8 WOVEN WIRE MESH

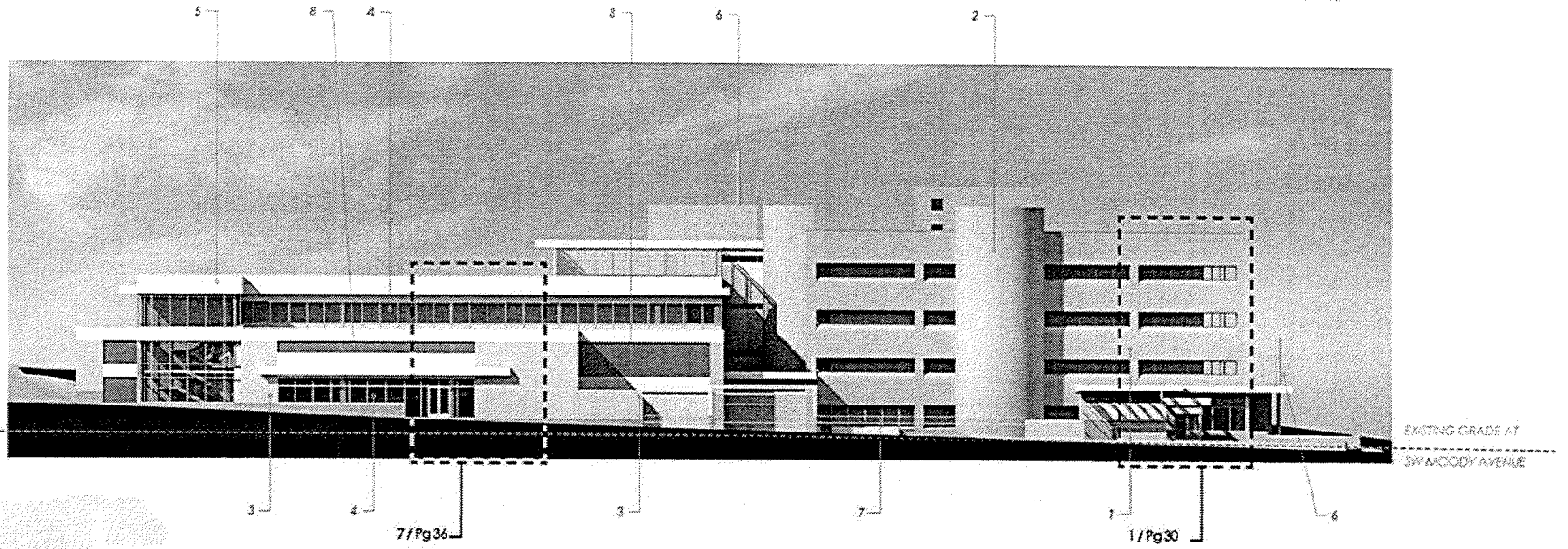


CASE NO. 11-24052  
 EXHIBIT 25

ELEVATION - EAST  
 INITIAL DEVELOPMENT

MATERIAL LEGEND

- 1 EXISTING SYNTH. PLASTER
- 2 EXISTING BRICK
- 3 BRICK
- 4 VISION GLAZING
- 5 METAL PANEL
- 6 ALUMINUM FLAGPOLE
- 7 METAL SECURITY GATE
- 8 WOVEN WIRE MESH



KEYPLAN ▲

CASE NO. 11-124052  
 EXHIBIT C-6

ELEVATION - EAST  
FUTURE DEVELOPMENT



**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. Legal argument may be mailed to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written legal argument must be received by the time of the hearing and should include the case file number.
- 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	15 minutes
Other Opponents	3 minutes each
Appellant Rebuttal	5 minutes
Council	

- 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'S 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 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**