



City of Portland
Bureau of Development Services
Land Use Services Division

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**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON A
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE MAP AMENDMENT**

CASE FILE: LU 11-138415 CP ZC
WHEN: Thursday, December 15, 2011 at 2:00 PM
WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Date: November 15, 2011
To: Interested Person
From: Kathleen Stokes, Planner, Land Use Services, (503) 823-7843

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On November 4, 2011, the Hearings Officer issued a recommendation of approval, with conditions, of the requested Comprehensive Plan Map and Zone Map Amendments. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the existing and proposed zoning maps are attached. I am the staff person handling this case - please contact me with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

Applicant: Ty Johnson, Vice Principal, Portland Adventist Academy
1500 SE 96th Avenue
Portland, OR 97216

Representative: Ryan Schera, Planner, Group Mackenzie
1515 SE Water Avenue, Suite 100
Portland, OR 97214

Site Address: 1500 SE 96TH AVE

Legal Description: TL 12500 0.04 ACRES, CANCEL INTO R643109 SECTION 04 1S 2E, TL 12500 0.04 ACRES; TL 2500 5.29 ACRES SPLIT LEVY R332448 (R992044390), SECTION 04 1S 2E; TL 2501 0.86 ACRES SPLIT LEVY R332431 (R992044130), SECTION 04 1S 2E; TL 2601 0.01 ACRES SPLIT LEVY R332465 (R992044740), CANCEL INTO R332431 / SECTION 04 1S 2E, TL 2601 0.01 ACRES; TL 2600 0.01 ACRES SPLIT LEVY R332455 (R992044480), CANCEL INTO R332465 / SECTION 04 1S 2E, TL 2600 0.01 ACRES

Tax Account No.: R992043930, R992044130, R992044390, R992044480, R992044740
State ID No.: 1S2E04DA 12500, 1S2E04A 02500, 1S2E04A 02501, 1S2E04A 02601, 1S2E04A 02600

Quarter Section: 3140

Neighborhood: Hazelwood, Arlene Kimura at 503-252-9429.

Business District: Gateway Area Business Association, Fred Sanchez at 503-256-3910.

District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Plan District: Gateway
Zoning: IRd (RXd), Institutional Residential with a Design Overlay and Central Residential Comprehensive Plan Map designation
Proposed Zoning: EXd, Central Employment with a Design Overlay
Case Type: CP ZC, Comprehensive Plan Map and Zoning Map Amendments
Procedure: Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, who makes the final decision in this matter.

Proposal: The applicant is proposing a change in the Comprehensive Plan Map Designation for this 267,738 square-foot parcel, from Central Residential to Central Employment, and a concurrent Zoning Map Amendment, from IR d to EX d. For further details on this proposal, please refer to the original notice that was mailed on August 30, or contact BDS staff, Kathleen Stokes.

Approval Criteria: In order to be approved, this proposal must meet the approval criteria for Comprehensive Plan Map Amendments, found in Section 33.810.050 A, and for Zoning Map Amendments, found in Sections 33.855.050 and 33.855.060.

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

DECISION MAKING PROCESS

Review of the Case File: The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact the receptionist at 503-823-7300 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.ci.portland.or.us

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. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97201.

APPEAL PROCESS

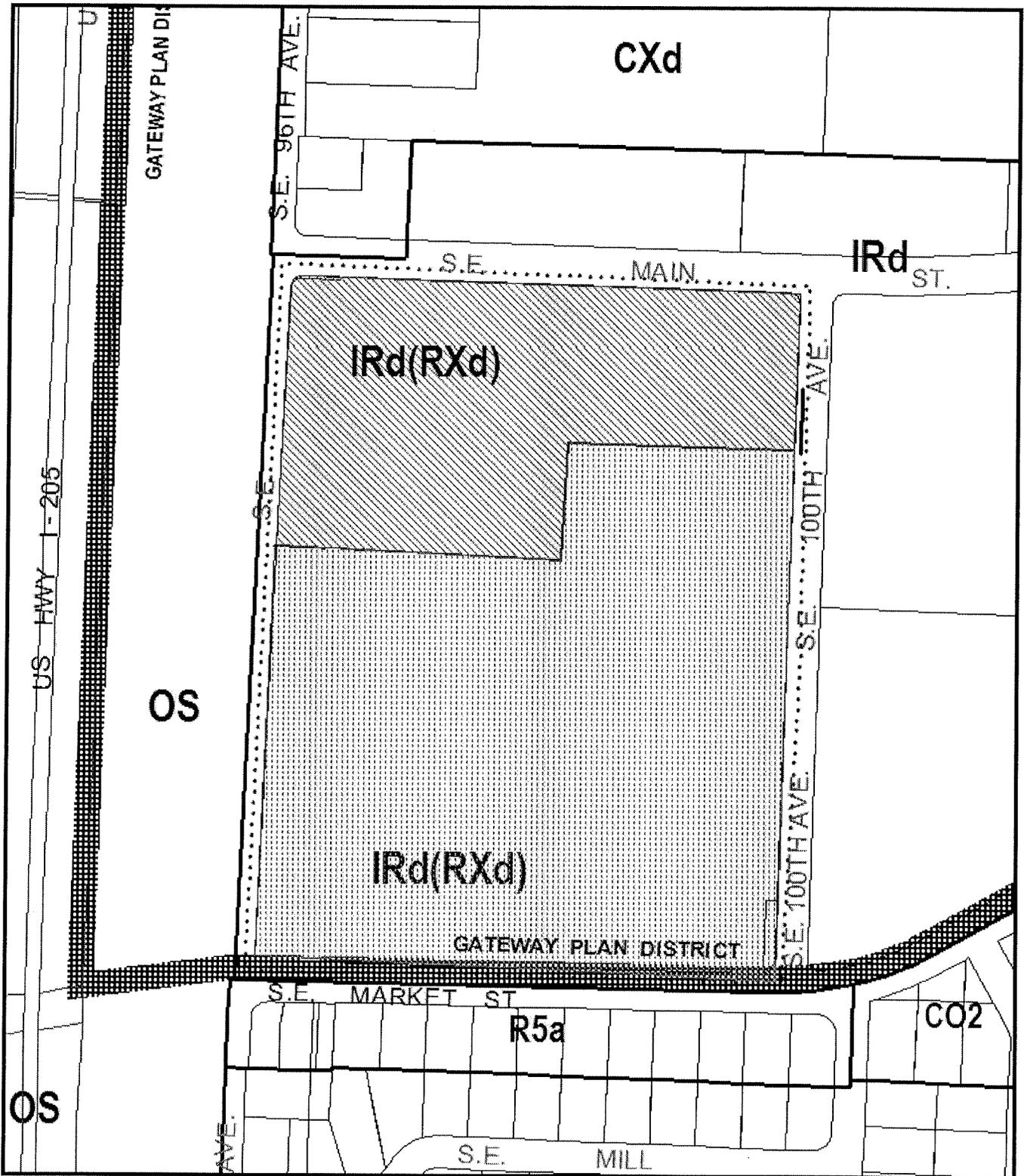
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing 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.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or www.trimet.org/routes_times.htm) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special 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. Existing Zone Map
2. Proposed Zone Map
3. City Council Hearing Process



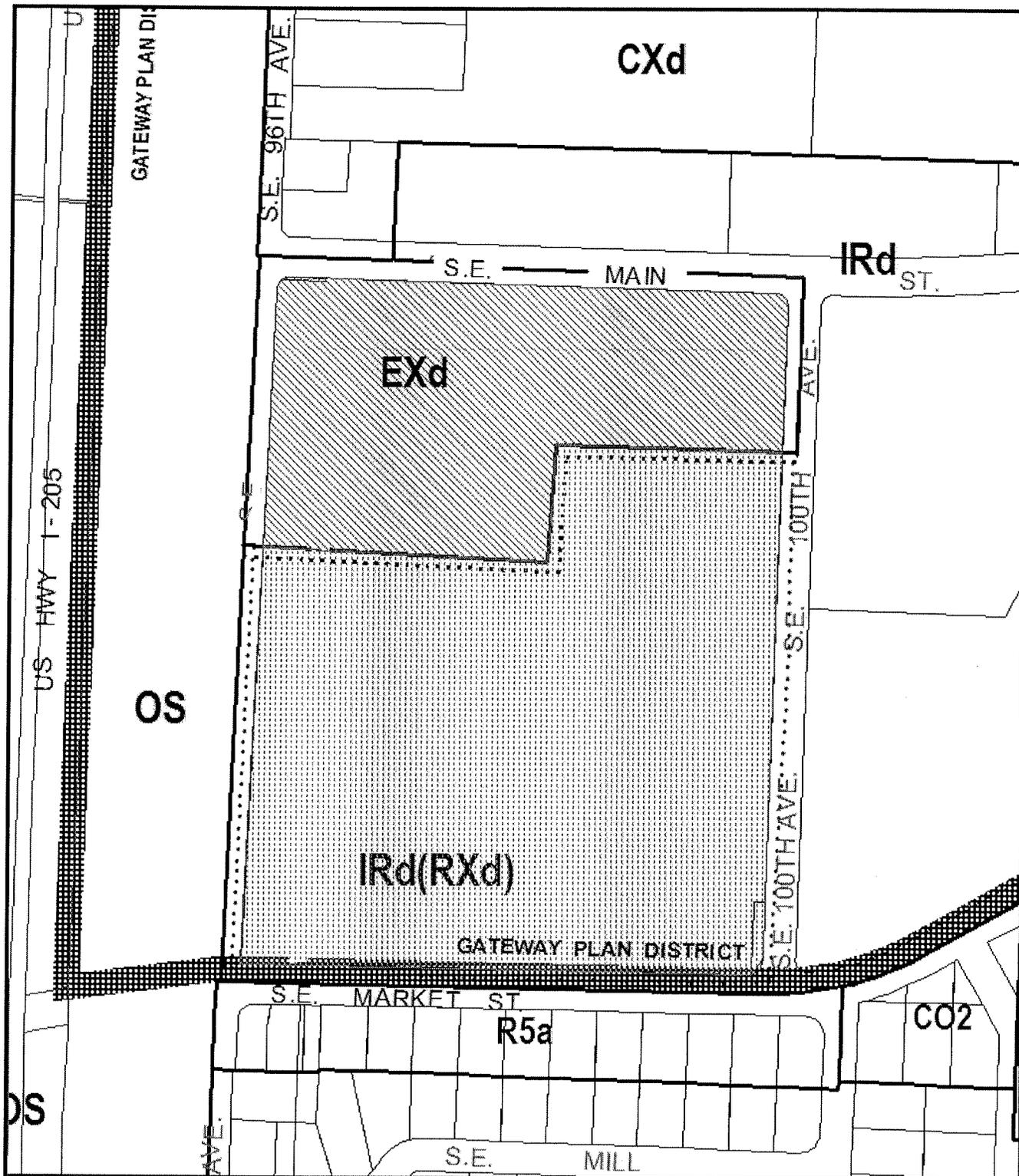
ZONING

-  Site
-  Also Owned



This site lies within the:
GATEWAY PLAN DISTRICT

File No.	<u>LU 11-138415 CP ZC</u>
1/4 Section	<u>3140</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E04A 2500</u>
Exhibit	<u>B (May 26,2011)</u>



ZONING PROPOSED



This site lies within the:
GATEWAY PLAN DISTRICT

-  Site
-  Also Owned

File No.	LU 11-138415 CP,ZC
1/4 Section	3140
Scale	1 inch = 200 feet
State_Id	1S2E04A 2500
Exhibit	B (May 26,2011)

**GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR
EVIDENTIARY/DE NOVO HEARINGS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

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

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, 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 application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application 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 criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

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 4th Avenue, Portland, OR 97201. Call 503-823-7300 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.