



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

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

CASE FILE: LU 16-292724 CP ZC
Hearings Office Case # 4170019

WHEN: September 21, 2017 at 3:30 PM

WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Date: August 29, 2017

To: Interested Person

From: Amanda Rhoads, City Planner
(503) 823-7837, amanda.rhoads@portlandoregon.gov

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 August 17, 2013, 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. You are invited to testify at the hearing.

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: Sarah Radelet | Strata Land Use Planning
PO Box 90833 | Portland, OR 97290

Owners: Aaron and Amanda Tinkle
8345 SW 11th Ave | Portland, OR 97219

Site Address: 5901 SE BELMONT ST

Legal Description: LOT 4 INC UND INT TRACT A, SCHROBERG ESTATES
Tax Account No.: R749750200
State ID No.: 1S2E06AA 07804
Quarter Section: 3136
Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364.
Business District: Belmont Business Association, contact Constance Ihrke at 503-267-3721.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None
Existing Zoning: R2 – Low-Density, Multi-Dwelling, Residential 2,000
Proposed Zoning: CN1 – Neighborhood Commercial 1
Case Type: CP ZC – Comprehensive Plan Map and Zoning Map Amendment

Procedure: Type III, with a public hearing and recommendation by the Hearings Officer and a public hearing and decision by City Council. The decision of City Council can be appealed to the State Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes a Comprehensive Plan Map Amendment and Zoning Map Amendment to this 6,468-square-foot lot on SE Belmont St. The Comprehensive Plan Map Amendment would change the Comprehensive Plan Map designation of the site from a Low Density Multi-Dwelling designation to a Neighborhood Commercial designation. The Zoning Map Amendment would change the zoning from R2 (Residential 2,000) to CN1 (Neighborhood Commercial 1). The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. The ultimate project would result in removal of the existing house on the site and the construction of a new dental office for the owner, who currently operates a dental office two lots to the east.

Approval of a Comprehensive Plan Map Amendment from Low-Density Multi-Dwelling Residential to Neighborhood Commercial.

Approval of a Zoning Map Amendment from R2 (Multi-Dwelling Residential 2) to CN1 (Neighborhood Commercial 1).

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- **33.810.050.A-B**, Approval Criteria for Comprehensive Plan Map Amendments; and
- **33.855.050.A-D**, Zoning Map Amendment Approval Criteria.

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 97204.

APPEAL PROCESS

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.

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.

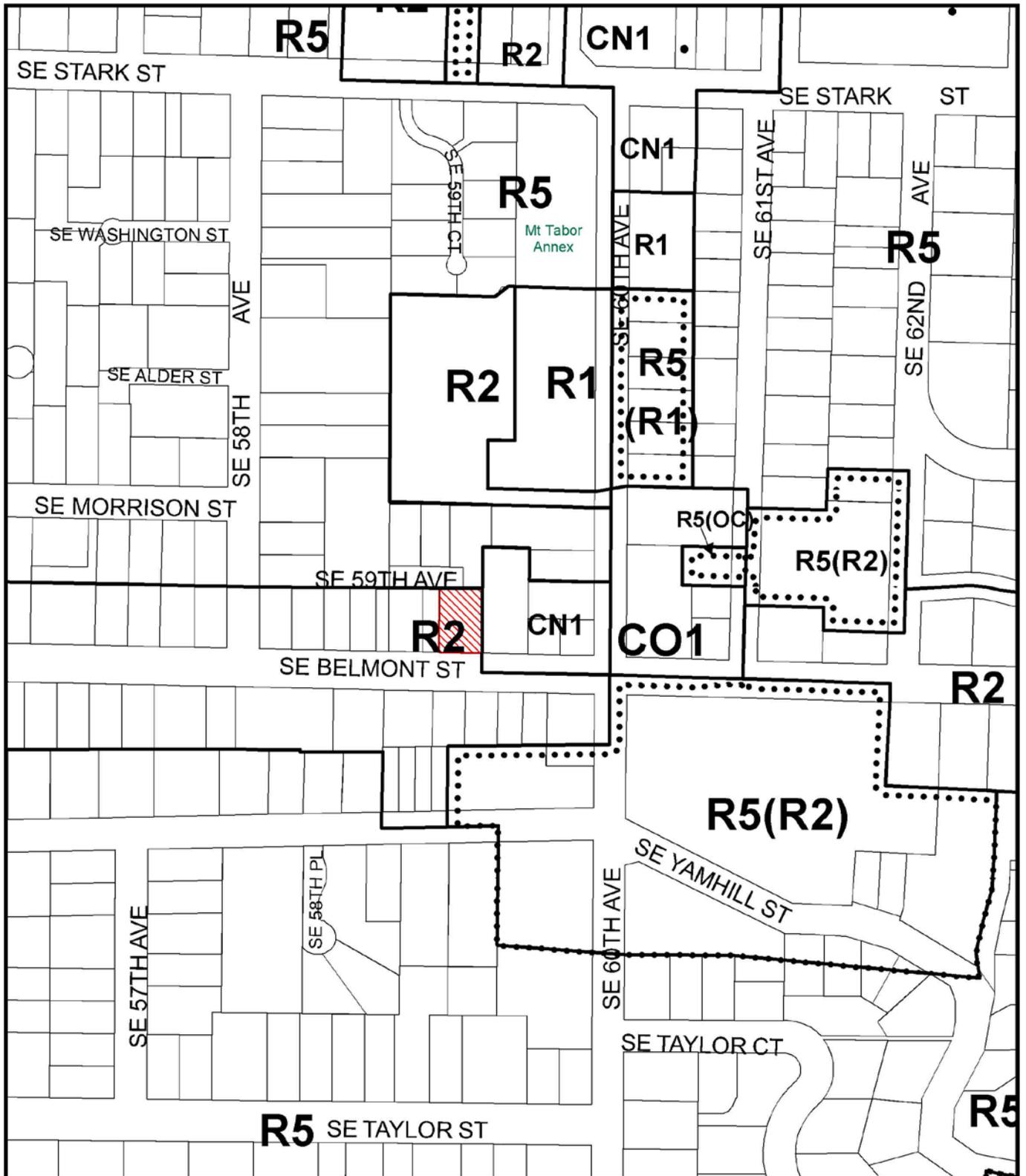
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Existing Zoning Map

Proposed Zoning Map

General Explanation for City Council Process For Evidentiary/De Novo Hearings

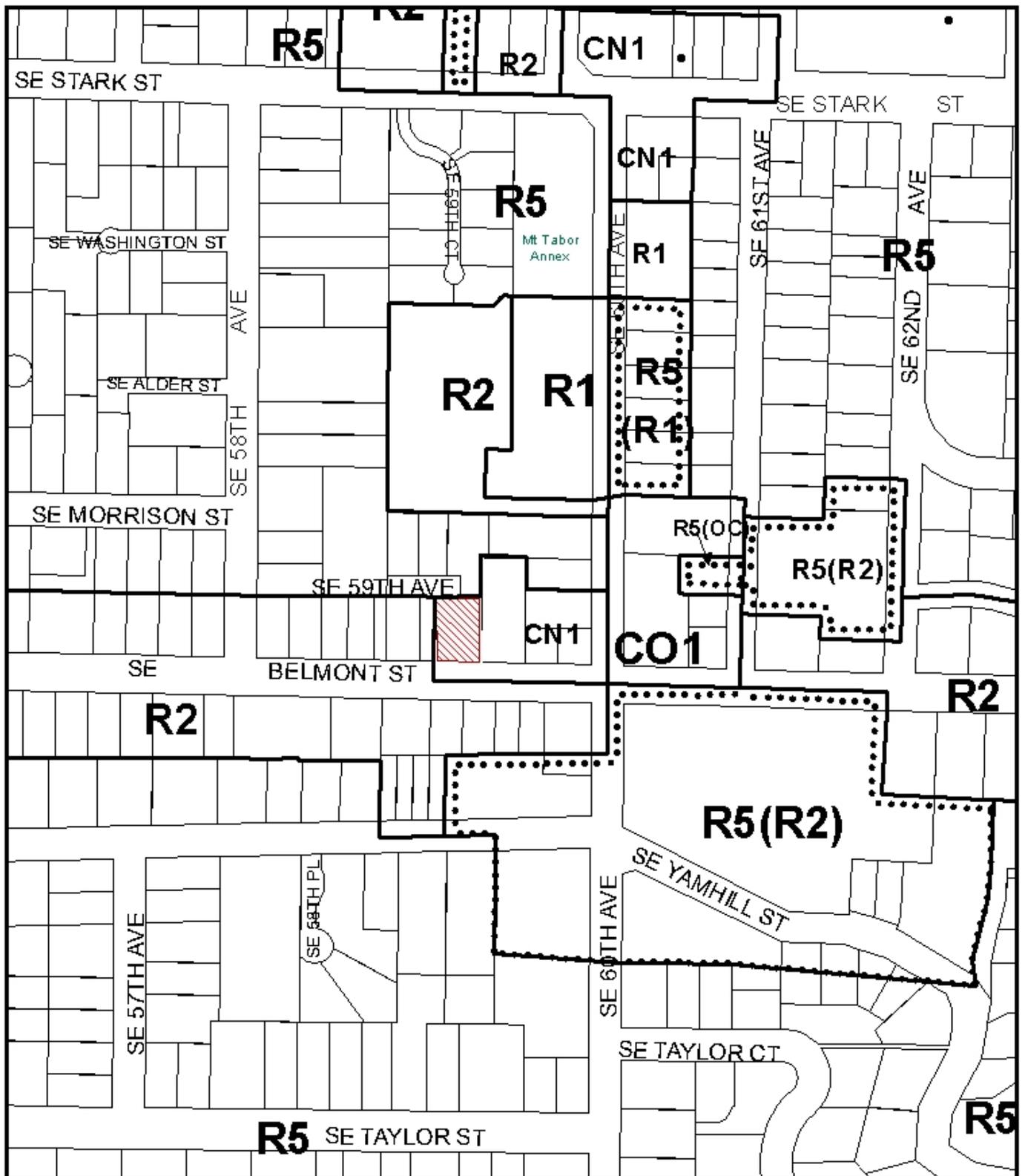


EXISTING ZONING



- Site
- Historic Landmark

File No. LU 16-292724 CP ZC
 1/4 Section 3136
 Scale 1 inch = 200 feet
 State_Id 1S2E06AA 7804
 Exhibit B (Jan 05, 2017)



PROPOSED ZONING



-  Site
-  Historic Landmark

File No.	<u>LU 16-292724 CP ZC</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AA 7804</u>
Exhibit	<u>B (Jan 05, 2017)</u>

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.