



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
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www.portlandonline.com/auditor/hearings

DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 09-110935 CU (HO 4090012)

Applicant: Peter Finley Fry
2153 SW Main St, #104
Portland, OR 97205

Owner: Columbia Watumull
307 Lewers Street #600
Honolulu, HI 96815-2357

Representative: Mike Sublett
Multnomah County
401 N Dixon Street
Portland, OR 97227

Hearings Officer: Ian Simpson

Bureau of Development Services (BDS) Staff Representative: Matt Wickstrom

Site Address: 2201-2207 NE COLUMBIA BLVD

Legal Description: TL 400 4.69 ACRES, SECTION 14 1N 1E

Tax Account No.: R941141460

State ID No.: 1N1E14AA 00400

Quarter Section: 2232

Neighborhood: Sunderland

Business District: Columbia Corridor Association

District Neighborhood Coalition: Central Northeast Neighbors

Zoning: IG2h (General Industrial 2 with an Aircraft Landing Zone overlay)

Land Use Review: Type III, CU (Conditional Use Review)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:00 a.m. on May 13, 2009, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 9:12 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

Testified at the Hearing:

Matt Wickstrom, BDS Staff Representative
Mike Sublett, Multnomah County, 401 N. Dixon, Portland OR 97227
Peter Fry, 2153 SW Main St. #105, Portland OR 97205

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services (BDS) in their Staff Report and Recommendation to the Hearings Officer dated May 1, 2009, and to issue the following approval.

Approval of a Conditional Use Review (33.815.215) to allow an existing Detention Facility (probation/parole office) to expand from 9,987 square feet to 27,243 square feet of floor area on the first and second floors of the building, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-110935 CU.

Basis for the Decision: BDS Staff Report in LU 09-110935 CU (HO 4090012), Exhibits A-1 through H-3, and the hearing testimony from those listed above.

Ian Simpson, Hearings Officer

Date

Application Determined Complete:	March 18, 2009
Report to Hearings Officer:	May 1, 2009
Decision Mailed:	May 15, 2009
Last Date to Appeal:	4:30 p.m., May 29, 2009
Effective Date (if no appeal):	June 1, 2009 Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate

how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 4th Floor. **An appeal fee of \$3,400.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on the day following the last day to appeal. The mailed instructions will state that date.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:
Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-7967. All land use reviews, except those for **only** a Subdivision and/or Planned Unit Development (PUD), must be recorded in this manner. Building or development permits will be issued only after this decision is recorded.

Expiration of the approval. Recorded approvals (except Comprehensive Plans and Zoning Map Amendments) expire three years from the date of the final decision unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
 - 1. 120-day extension
 - 2. Incomplete letter from Matt Wickstrom to Peter Finley Fry dated March 13, 2009
 - 3. Supplemental submittal received April 22, 2009
- B. Zoning Map
 - 1. Existing Zoning
- C. Plans & Drawings
 - 1. Site Plan
 - 2. 2nd Floor Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Police
 - 2. Life Safety Section of BDS
 - 3. Development Review Section of Portland Transportation
 - 4. Water Bureau
 - 5. Bureau of Environmental Services
 - 6. Site Development Section of BDS
 - 7. Summary sheet of Agency Responses
- F. Letters: None received
- G. Site History Research
- H. Received in the Hearings Office:
 - 1. Hearing notice - Wickstrom, Matt
 - 2. Staff Report - Wickstrom, Matt (**attached**)
 - 3. PowerPoint presentation - Wickstrom, Matt