



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** January 27, 2022  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-865-6514 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL  
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 21-094203 CP ZC (PC # 21-038774)  
REVIEW BY: Hearings Officer  
WHEN: Wednesday, February 16, 2022 at 2:30 pm

**Due to the City's Emergency Response to COVID-19, this land use hearing will be limited to remote participation via Zoom. The instructions to observe and participate are enclosed with this notice.**

Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

**Applicant:** Renee France | Radler White Parks & Alexander LLP  
111 SW Columbia St, Suite 700 | Portland, OR 97201  
971-634-0217 | [rfrance@radlerwhite.com](mailto:rfrance@radlerwhite.com)

**Owner:** Marvin La Porte  
5515 SE Milwaukie Ave | Portland, OR 97202

**Site Address:** 5515 SE MILWAUKIE AVE

**Legal Description:** BLOCK 5 INC PT VAC ST LOT 1, BROWN'S TRACT; BLOCK 5 INC PT VAC ST LOT 3, BROWN'S TRACT; BLOCK 5 LOT 4, BROWN'S TRACT; BLOCK 5 LOT 5-7 INC PT VAC ST LOT 8, LAND & IMPS SEE R122536 (R110000511) FOR OTHER IMPS, BROWN'S TRACT; BLOCK 5 INC PT VAC ST LOT 9, BROWN'S TRACT; BLOCK 6 INC PT VAC ST LOT 2, BROWN'S TRACT; BLOCK 4 LOT 1&2, MIDWAY

**Tax Account No.:** R110000470, R110000490, R110000500, R110000510, R110000550, R110000580, R568701110

**State ID No.:** 1S1E14DB 17200, 1S1E14DB 17100, 1S1E14DB 17500, 1S1E14DB 17000, 1S1E14DB 17300, 1S1E14AC 09700, 1S1E14DB 15900

**Quarter Section:** 3532 & 3632

**Neighborhood:** Sellwood-Moreland, contact David Schoellhamer at chair.landuse.smile@gmail.com

**Business District:** Sellwood-Westmoreland, contact at 503 232-3330.

**District Coalition:** Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

**Plan District:** NONE

**Current Zoning:** *Base Zones:* R5: Single-Dwelling Residential 5,000; CM1: Commercial Mixed-Use 1; and R2.5: Single-Dwelling Residential 2,500. *Overlay Zones:* Portions of the site contain one or more of the following overlays: “d” Design overlay; “e”: River Environmental overlay; “g\*”: River General overlay and “z” Constrained Sites overlay.

**Case Type:** CP ZC, Comprehensive Plan Map Amendment 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:**

For the above-cited seven properties, the applicant is requesting a Type III Comprehensive Plan Map Amendment from R5 – Residential 5,000 and MU-N – Mixed-Use – Neighborhood to MD-U – Multi-Dwelling – Urban Center on the parcels west of SE Milwaukie Ave; and R2.5 – Residential 2,500 to MD-C – Multi-Dwelling – Corridor on the parcel east of SE Milwaukie Ave.

The applicant is also requesting a Type III Zoning Map Amendment from R5 – Single-Dwelling Residential 5,000 and CM1 – Commercial Mixed-Use 1 to RM4 – Residential Multi-Dwelling 4 on the parcels west of SE Milwaukie Ave; and from R2.5 – Single-Dwelling Residential 2,500 to RM2 – Residential Multi-Dwelling 2 on the parcel east of SE Milwaukie Ave.

The proposal calls for the “e” River Environmental overlay; and “g\*” River General overlay to remain on the parcels that already have them. The “d” Design overlay would be applied to all parcels that don’t already have it. The “z” Constrained Sites overlay is only applied to certain single-dwelling zones and would be removed.

No development is proposed with this application. Current development includes an office building and associated parking on the CM1-zoned parcels; a surface parking lot on the R2.5 parcel; and the R5 parcels are vacant.

**Relevant 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 Approval Criteria for Comprehensive Plan Map Amendments
- 33.855.050 Approval Criteria for Base Zone Change
- 33.855.060 Approval Criteria for Other Changes

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on October 8, 2021 and determined to be complete on January 3, 2022.

**DECISION MAKING PROCESS**

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website at <http://www.portlandoregon.gov/bds/35625> . Land use review notices are listed on the website by the District Coalition in which the site is located; the District Coalition for this site is identified at the beginning of this notice. If you are interested in viewing information in the file, please contact

the planner listed on the front of this notice. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, FAX your comments to 503-823-4347, or e-mail your comments to [HearingsOfficeClerks@portlandoregon.gov](mailto:HearingsOfficeClerks@portlandoregon.gov), or testify during the hearing. **Please see the enclosed insert for further information on how to testify.** In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services staff will be available during the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

Comprehensive Plan Map Amendments with Zone Map Amendments are not subject to the statutory clock in ORS 227.178.

#### **APPEAL PROCESS**

There is no appeal of the Hearings Officer's recommendation. The recommendation will be presented to City Council at a public hearing. The City Council will then vote on the proposal and recommendation. The City Council decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, 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.

**HEARING CANCELLATION**

This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website ([www.portlandoregon.gov](http://www.portlandoregon.gov)) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

**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



Hearings Office

City of Portland

1900 SW 4<sup>th</sup> Avenue, Room 3100, Portland, OR 97201 phone: 503.823.7307

www.portland.gov/omf/hearings

fax: 503.823.4347

email: HearingsOfficeClerks@portlandoregon.gov



## COVID19 Emergency Response Land Use Hearing Participation Information

**Case Number:** LU 21-094203 CP ZC (Hearings Office Case Number 4220002)

**Site Address:** 5505-5525, 5515, 5425 SE Milwaukie Avenue

**Date:** February 16, 2022

**Time:** 2:30 PM

Due to the City's Emergency Response to COVID-19, the above-referenced land use hearing will be limited to remote participation. There is not an in-person attendance option.

### Participation Options and Instructions

#### Zoom Option

- You will need an internet connection and a personal computer or other internet capable device.
- You can listen, view the City Planner's PowerPoint presentation, and you have the opportunity to provide oral testimony.
- Instructions:

Go to:

<https://us06web.zoom.us/j/83856977947>

#### Telephone Option

- You will need a telephone.
- You will be able to listen and testify but you will not be able to view documents and presentations shared on the Zoom platform (if any).
- Instructions:

Dial: +1 669 900 6833

Meeting ID: 838 5697 7947#

#### Written Testimony

- Prior to the Hearing and until the close of evidence, you may submit written testimony. In other words, written testimony can be provided up to the close of the record, which will be announced at the hearing.
- *Note: A document's timeliness is determined by the date/time when it is received by the Hearings Office Clerks.*
- Please reference the case number in any documents you wish to submit.
- Instructions/Options:

Online Case Management System:

<https://www.portland.gov/omf/hearings/land-use>

Email: [HearingsOfficeClerks@portlandoregon.gov](mailto:HearingsOfficeClerks@portlandoregon.gov)

Fax: 503-823-4347

Mail: Hearings Office, 1900 SW 4th Avenue, Room 3100,  
Portland, OR 97201

### **View File Contents**

We use a fully electronic case file. Your online viewing options are available at our website: <https://www.portland.gov/omf/hearings/land-use>

If you do not have online access, you may make a written request for a hard copy of any exhibit to be mailed to you.

### **Meaningful Access**

The City of Portland is committed to providing meaningful access.

For accommodations, modifications, translation, interpretation, or other services please call 503-823-7307, the TTY at 503-823-6868 or the Oregon Relay Service:

711. Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

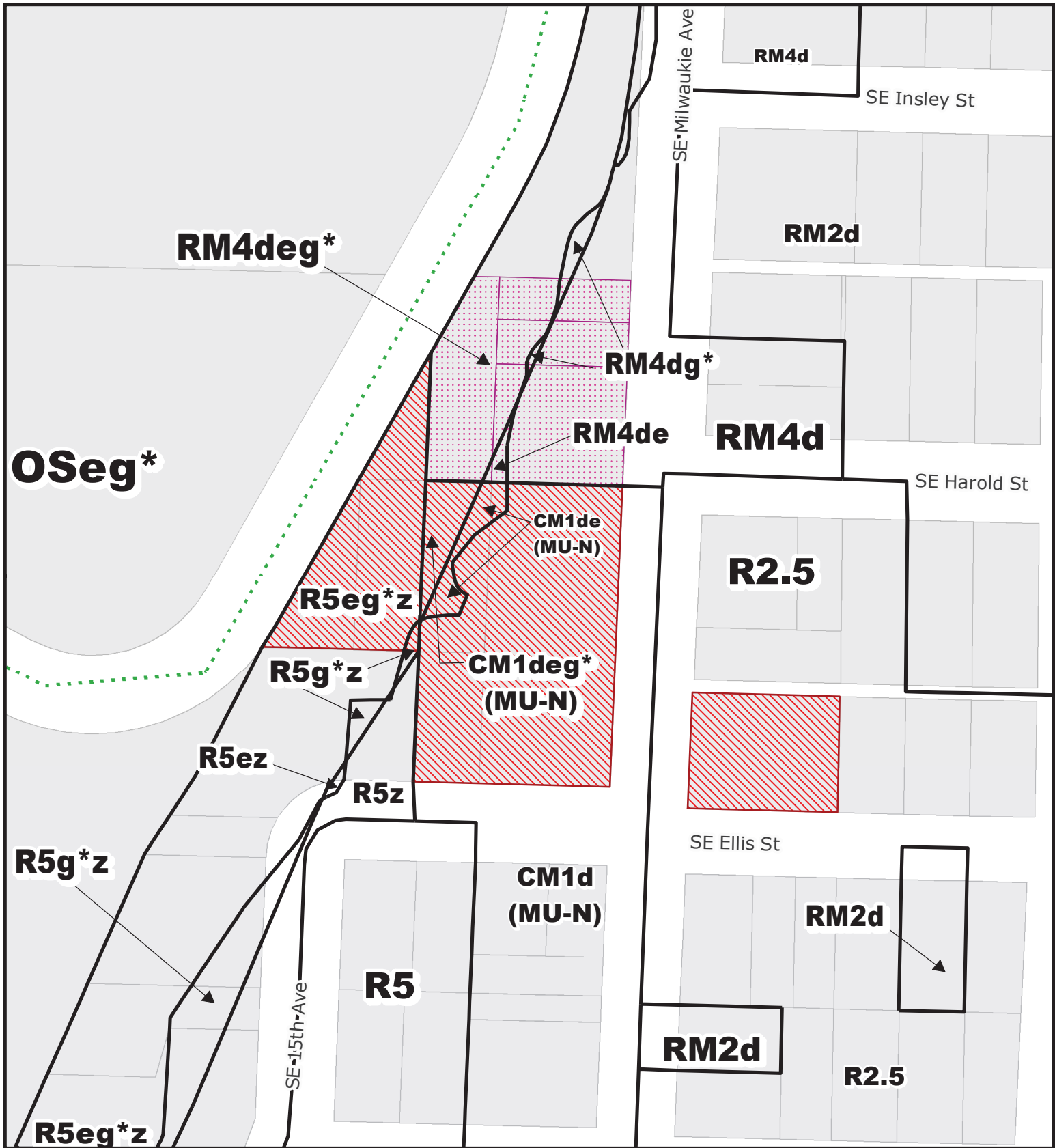
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Interpretare 번역 및 통역 | Письмовий або усний переклад | Turjumida ama

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### **Questions or Concerns**

You may contact the Hearings Clerks via email or by leaving a voicemail with the office: [HearingsOfficeClerks@portlandoregon.gov](mailto:HearingsOfficeClerks@portlandoregon.gov); 503-823-7307.



# EXISTING ZONING



NORTH



Site



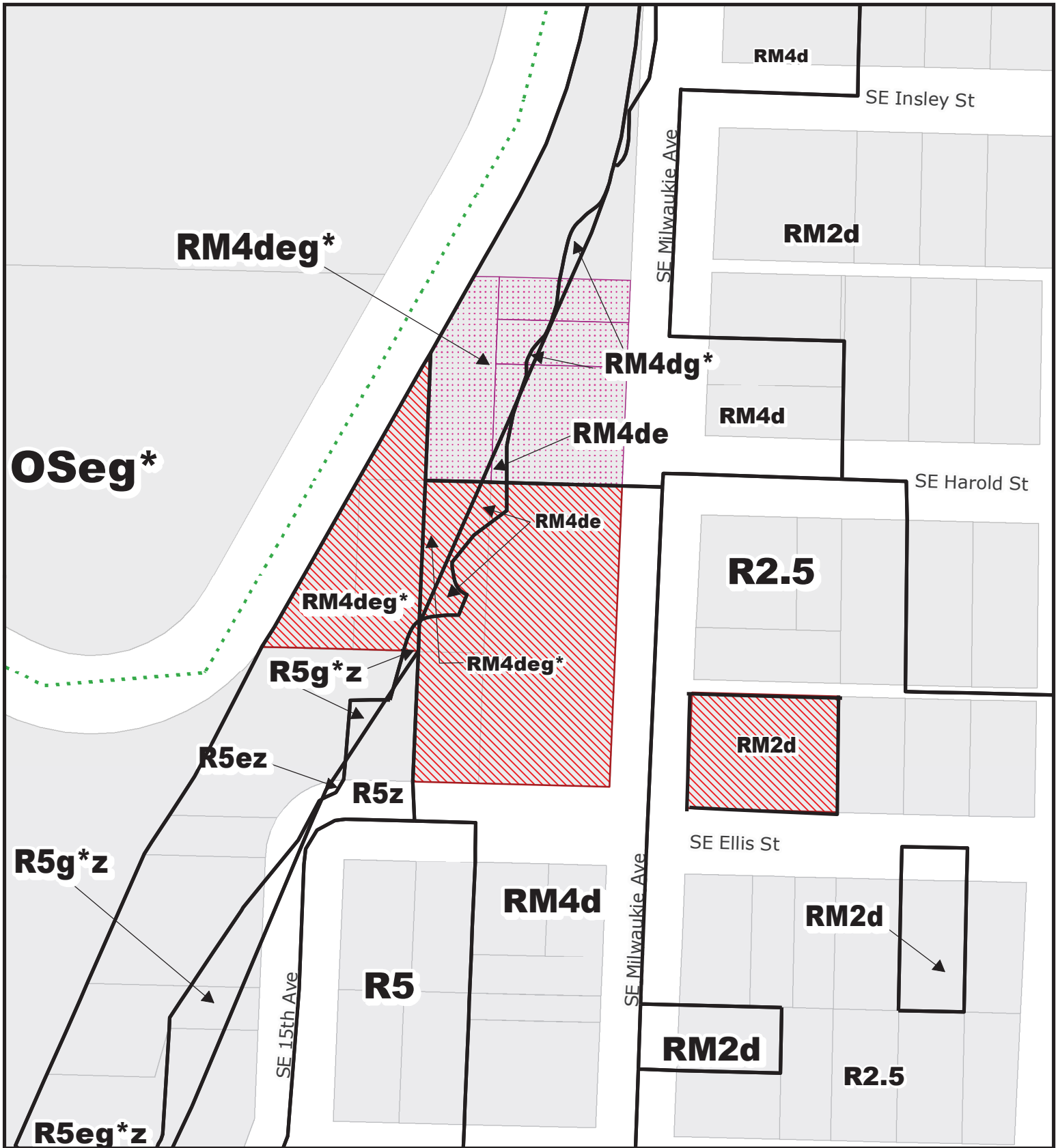
Also Owned Parcels



Recreational Trails




File No.	LU 21 - 094203 CP ZC
1/4 Section	3532 & 3632
Scale	1 inch = 100 feet
State ID	1S1E14DB 17000
Exhibit	B Jan 07, 2022

For Zoning Code in effect Post August 1, 2021



# PROPOSED ZONING



-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 21 - 094203 CP ZC
1/4 Section	3532 & 3632
Scale	1 inch = 100 feet
State ID	1S1E14DB 17000
Exhibit	B Jan 07, 2022

For Zoning Code in effect Post August 1, 2021