



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: September 12, 2016
To: Interested Person
From: Ethan Brown, Land Use Services
503-823-7920 / Ethan.Brown@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires 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 is 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.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on October 3, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-200314 EN, in your letter. It also is helpful to address your letter to me, Ethan Brown. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-200314 EN

Applicant: Joe Recker
TriMet
1800 SW 1st Ave, Suite 300
Portland, OR 97201
Phone: 503-962-2893

Owner: Kermit Meling
Oregon Department of Transportation (ODOT)
9200 SW Lawnfield Road
Clackamas, OR 97015

Site Address: [I-205 Right-of-way south of SE Mt. Scott Boulevard](#)

Legal Description: N/A: ODOT Right-of-way
Tax Account No.: N/A: ODOT Right-of-way
State ID No.: N/A: ODOT Right-of-way
Quarter Section: 3840

Neighborhood: Lents, contact Cora Potter at 503-823-4550.
Business District: Eighty-Second Ave of Roses Business Association, contact Nancy Chapin at nchapin@tsgpdx.com
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin Plan District – South Subdistrict
Other Designations: Resource Site 14, *Johnson Creek Basin Protection Plan*;

Zoning: *Base Zone:* Open Space (OS)
Overlay Zones: Environmental Conservation (c), Environmental Protection (p)

Case Type: EN – Environmental Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to construct a 12'x12' covered enclosure to house portable restrooms, a new accessible pathway (approximately 700 square feet of paved walkway), and exterior lighting for the purpose of providing a safe and adequate layover location for TriMet bus operators at the terminus of Bus Line 19 in southeast Portland. The proposed improvements will occur on a portion of undeveloped right-of-way associated with Interstate 205 and owned and managed by the Oregon Department of Transportation (ODOT). Temporary disturbance areas will be reseeded with a native riparian grass seed mix. The applicant proposes approximately 500 square feet of resource area enhancement (native tree, shrub, and groundcover plantings adjacent to an existing treed area on-site) to mitigate for the proposed permanent disturbance area.

The entirety of the proposal is located within the Environmental Conservation (c) and Protection (p) overlay zones. Applicable General Development Standards in Zoning Code section 33.430.140 must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. The proposed enclosure is located entirely within the 25-foot transition area and meets the General Development Standards for work within a transition area (33.430.140.E,J,K,N,Q,R,S). However, because the proposed walkway must cross partially into the resource area of the P-zone, 33.430.140 B cannot be met. Additionally, the project exceeds the maximum disturbance area allowed by 33.430.140.A. Therefore, the work must be approved through a Type II Environmental Review.

Relevant Approval Criteria:

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

- **Section 33.430.250 A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments**

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 July 6, 2016 and determined to be complete on September 7, 2016.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule 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.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. 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 of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

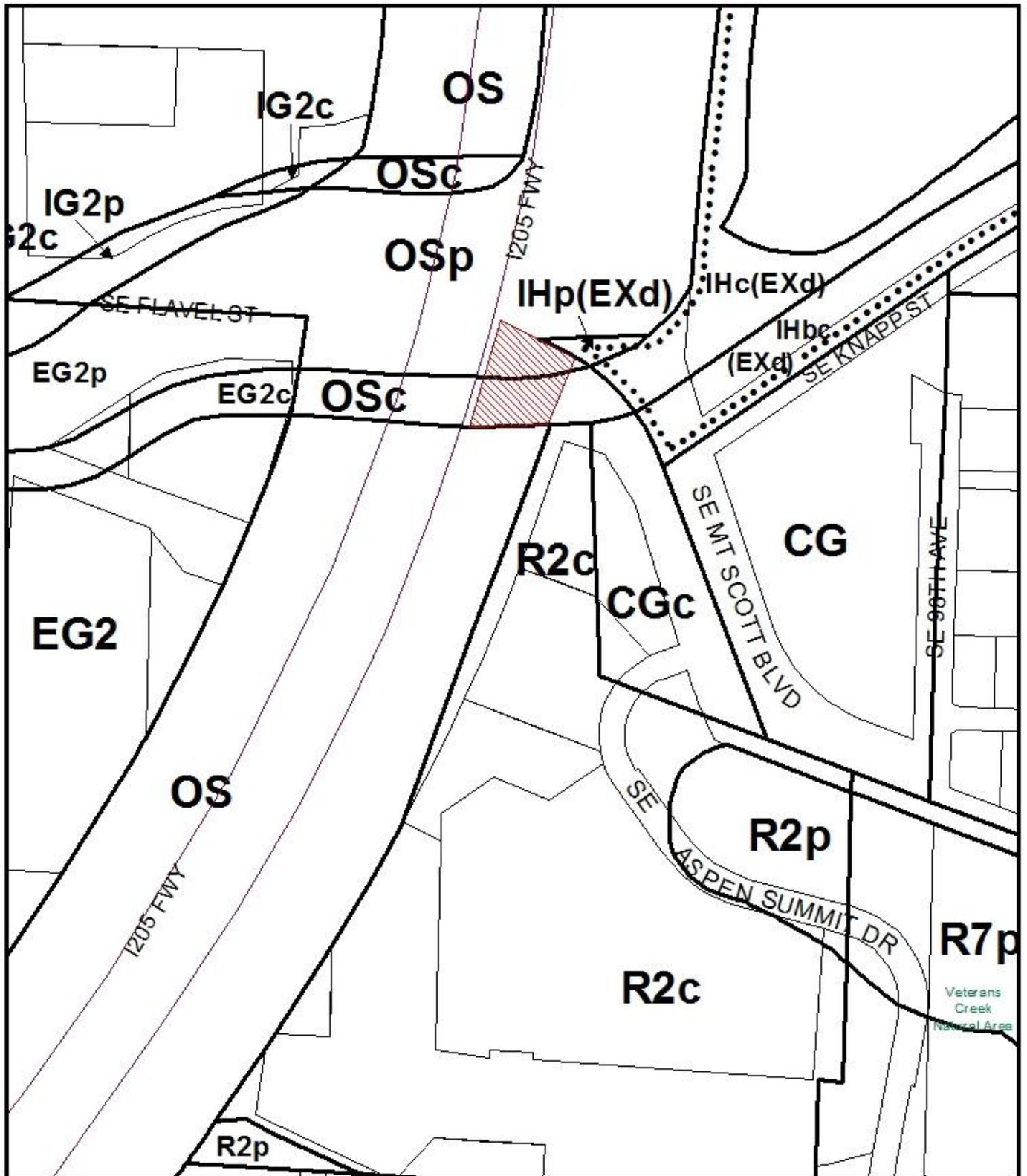
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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:

Zoning Map
Site Plan



ZONING

 Site



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT
SOUTH SubDistrict

File No.	LU 16-200314 EN
1/4 Section	3840
Scale	1 inch = 200 feet
State_Id	1S2E21DB 203
Exhibit	B (Sep 08, 2016)

SHEET LEGEND

-  PERMANENT DISTURBANCE AREA (876 SQFT)
-  TEMPORARY DISTURBANCE AREA (700 SQFT)
-  STAGING AND EQUIPMENT AREA (60 FT x 20 FT)

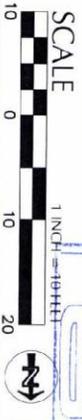
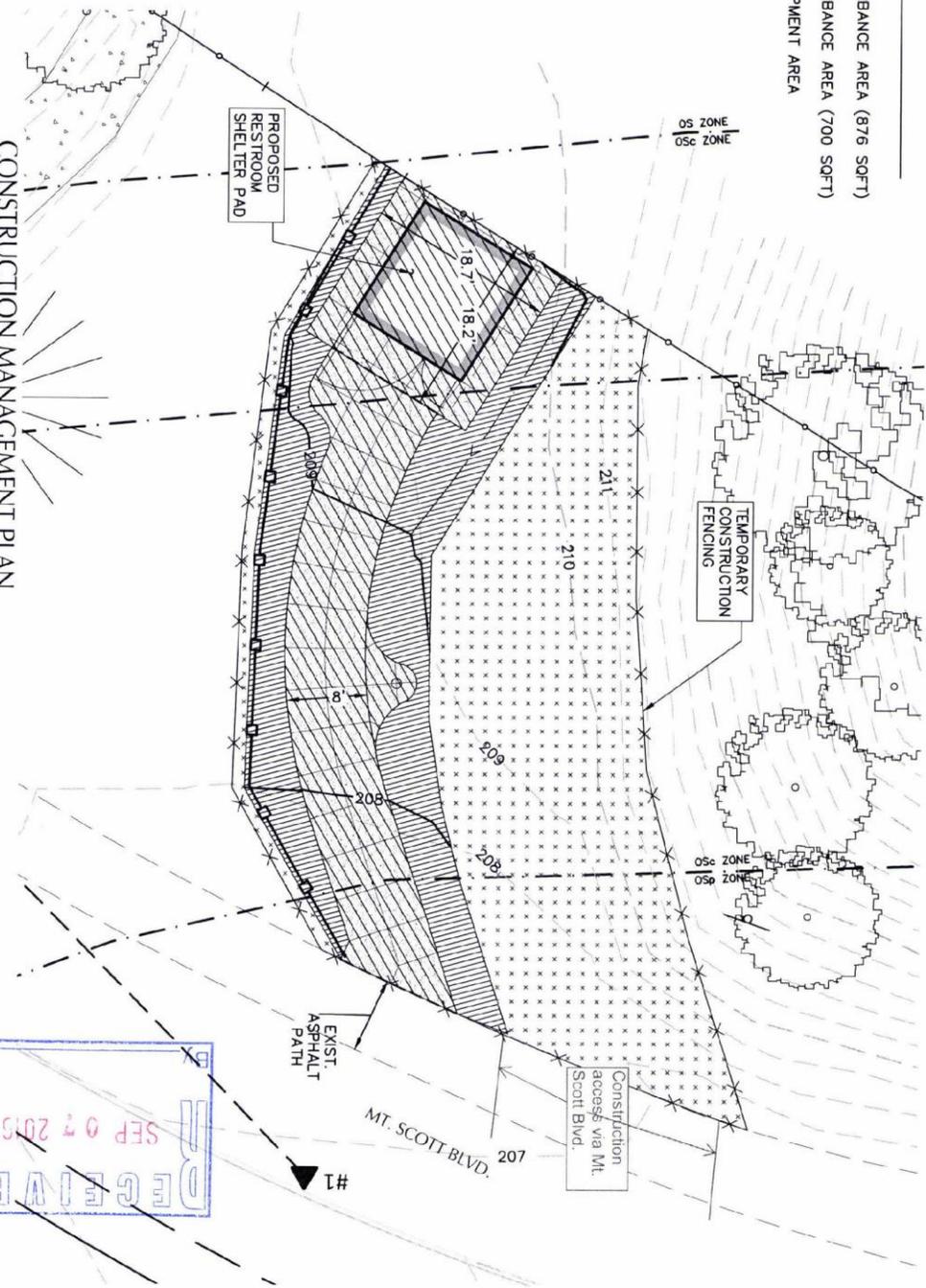


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 Portland, OR 97204
 O: 503.227.3251
 F: 503.274.4881
www.kpff.com

Plotted: 8/18/16 at 10:14am By: tiegate

CONSTRUCTION MANAGEMENT PLAN

SCALE: 1" = 10'



RECEIVED
 SEP 07 2015
 EXH-B