



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

Chloe Eudaly, Commissioner
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Date: March 6, 2017
To: Interested Person
From: Lauren Russell, Land Use Services
503-823-7817/Lauren.Russell@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 March 27, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-126403 AD, in your letter. It also is helpful to address your letter to me, Lauren Russell. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-126403 AD

Applicant: Stephen Ngai
Portland Water Bureau
1120 SW 5th Ave #600
Portland, OR 97204

Owner: Brett Horner
Bureau of Parks and Recreation
1120 SW 5th Ave #1302
Portland, OR 97204

Site Address: Council Crest Park

Legal Description: TL 100 34.66 ACRES, SECTION 08 1S 1E
Tax Account No.: R991080920
State ID No.: 1S1E08 00100
Quarter Section: 3426
Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.
Plan District: None
Zoning: OSc,p – Open Space zone, Environmental Conservation overlay zone, Environmental Protection overlay zone

Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes improvements to Council Crest Tank, the water tank located in Council Crest Park. These improvements include replacing the existing steel roof on the tank with an aluminum geodesic roof; replacing the upper 78 inches of the tank wall with a new 108-inch wall section to allow for water movement for seismic activity; painting the exterior and interior of the tank; replacing the ladder, safety equipment, and instrumentation on the tank; and repairing the grout at the tank's foundation. Per Zoning Code Section 33.100.200.B.1 and Table 110-5, the maximum height for basic utility structures in the OS zone is 50 feet. The existing water tank is 72'-3" tall and the proposed improvements would increase the height by 2'-6". Therefore the applicant requests an Adjustment to increase the height of the water tank from 50 feet to 74'-9".

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33.805.040.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; **(not applicable)** and
- D.** City-designated scenic resources and historic resources are preserved; **(not applicable)** and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable. **(not applicable)**

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 February 24, 2017 and determined to be complete on March 1, 2017.

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 Adjustment Committee. 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.

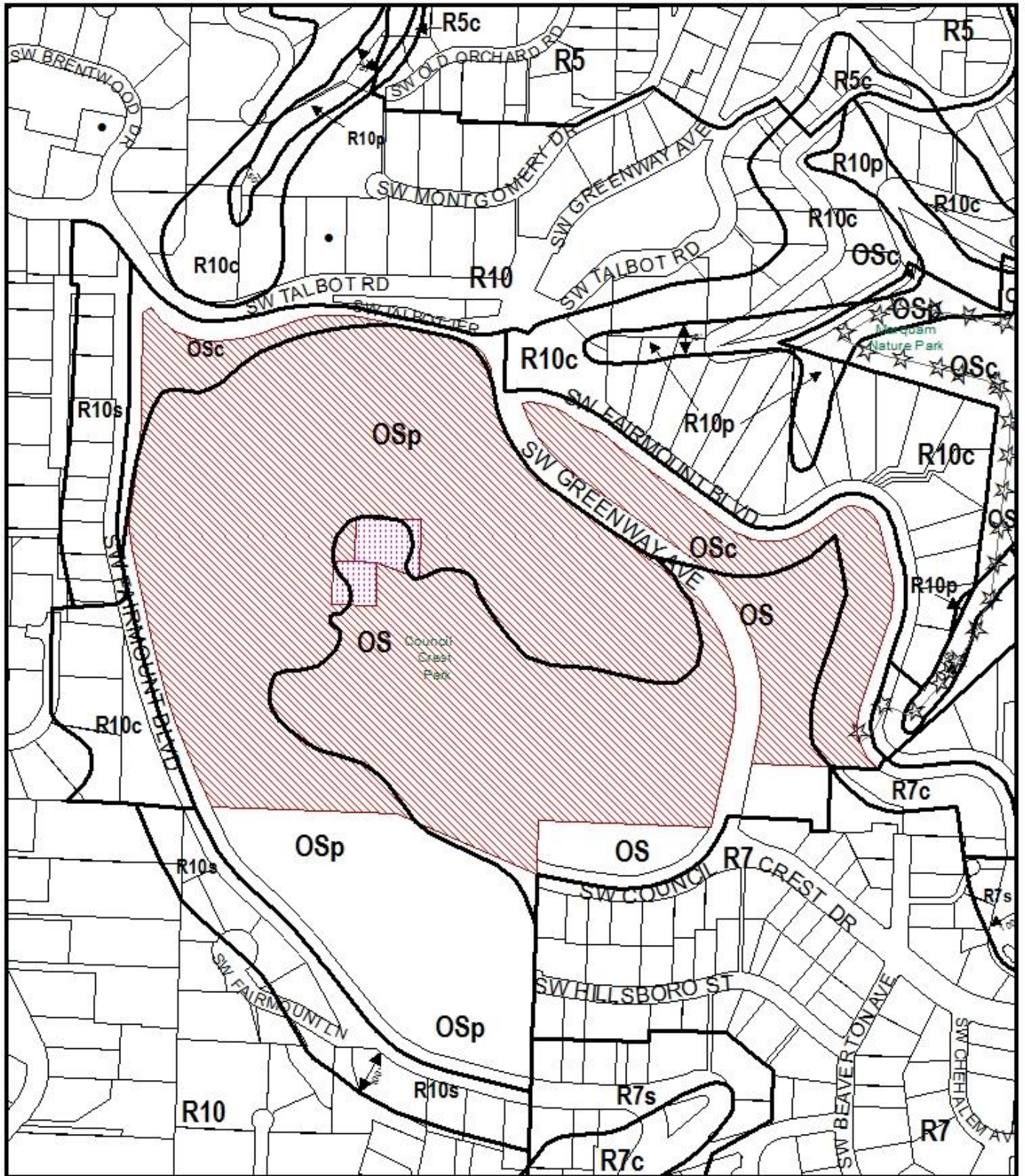
APPEAL OF THE FINAL CITY DECISION

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
-  Also Owned Parcels
-  Recreational Trails
-  Historic Landmark

| | |
|-------------|-------------------|
| File No. | LU 17-126403 AD |
| 1/4 Section | 3426 |
| Scale | 1 inch = 300 feet |
| State_Id | 1S1E08 100 |
| Exhibit | B (Feb 28, 2017) |

