



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** 09/07/17  
**To:** Interested Person  
**From:** Morgan Steele, Land Use Services  
503-823-7731/Morgan.Steele@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 September 28, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-227712 EN, in your letter. It also is helpful to address your letter to me, Morgan Steele. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 17-227712 EN**

**Applicant/Owner:** ATTN Cameron Glasgow | Portland Bureau of Transportation  
1120 SW 5th Avenue, #800  
Portland, OR 97204  
503-823-9726 | [cameron.glasgow@portlandoregon.gov](mailto:cameron.glasgow@portlandoregon.gov)

**Site Address:** [SE 122<sup>nd</sup> Avenue and SE Brookside Drive](#) (over Johnson Creek)

**Legal Description:** TL 2300 0.76 ACRES, SECTION 23 1S 2E; TL 2200 0.15 ACRES, SECTION 23 1S 2E; TL 900 4.15 ACRES, SECTION 23 1S 2E

**Tax Account No.:** R992230490, R992231050, R992231910

**State ID No.:** 1S2E23BB 02300, 1S2E23BB 02200, 1S2E23BB 00900

**Quarter Section:** 3743

**Neighborhood:** Pleasant Valley, contact Steve Montgomery at [foxtrotlove@hotmail.com](mailto:foxtrotlove@hotmail.com).  
**Business District:** None  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin – South  
**Other Designations:** 100-Year Floodplain; Floodway; *Johnson Creek Basin Protection Plan* – Resource Site 18, Leach Garden/Canyon.

**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 proposes to replace the damaged bridge on SE 122<sup>nd</sup> Avenue that crosses Johnson Creek in southeast Portland. The bridge was structurally compromised by the historic winter storms of 2015 and closed to motor vehicles shortly thereafter. Due to the bridge closure, there is a required detour in place of over one mile for several hundred residents. The detour also impacts emergency services and school bus routes. Replacement of the bridge is paramount to the operation and mobility of the Pleasant Valley Neighborhood as well as the operation of the Leach Botanical Garden given the reliance on the bridge as the primary access to the park.

The applicant proposes to replace the existing 108-foot bridge with a 120-foot single span concrete structure. Additionally, the bridge will be widened from 32 feet to 40 feet to meet Americans with Disabilities Act (ADA) accessibility requirements and American Association of State Highway and Transportation Officials (AASHTO) turning radius requirements to prevent head-on vehicular collisions and improve pedestrian site lines. The current bridge does not meet ADA requirements or turning radius standards. This expansion will require the removal of three trees (totaling 74" diameter at breast height). Mitigation for potential impacts will consist of placing 262 groundcover species, 114 shrubs, and 10 trees within temporary disturbance areas upon project completion.

The majority of the work will occur within the existing rights-of-way controlled by the Portland Bureau of Transportation (PBOT) and is therefore exempt from environmental regulations by 33.537.040.C [*Johnson Creek Plan District*] *Items Exempt from Environmental Regulations*. However, silt fence installation and concrete form work is proposed to occur on private property outside of the existing rights-of-way, to the east of SE 122<sup>nd</sup> Avenue. This portion of the project site is in the environmental conservation (c) and environmental protection (p) overlay zones outside of the existing rights-of-way. Because the proposed work will exceed the maximum disturbance allowed within the resource area and will not be set back at least 5 feet from the resource area of an environmental protection zone, the proposal cannot meet the environmental development standards of 33.430.140.D.1 and E; therefore, environmental review of the proposed project is required.

**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.E – Other development in the Environmental Conservation zone.**
- **Section 33.430.250.F – Other development in the Environmental Protection zone.**

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 August 22, 2017, and determined to be complete on September 5, 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](http://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.

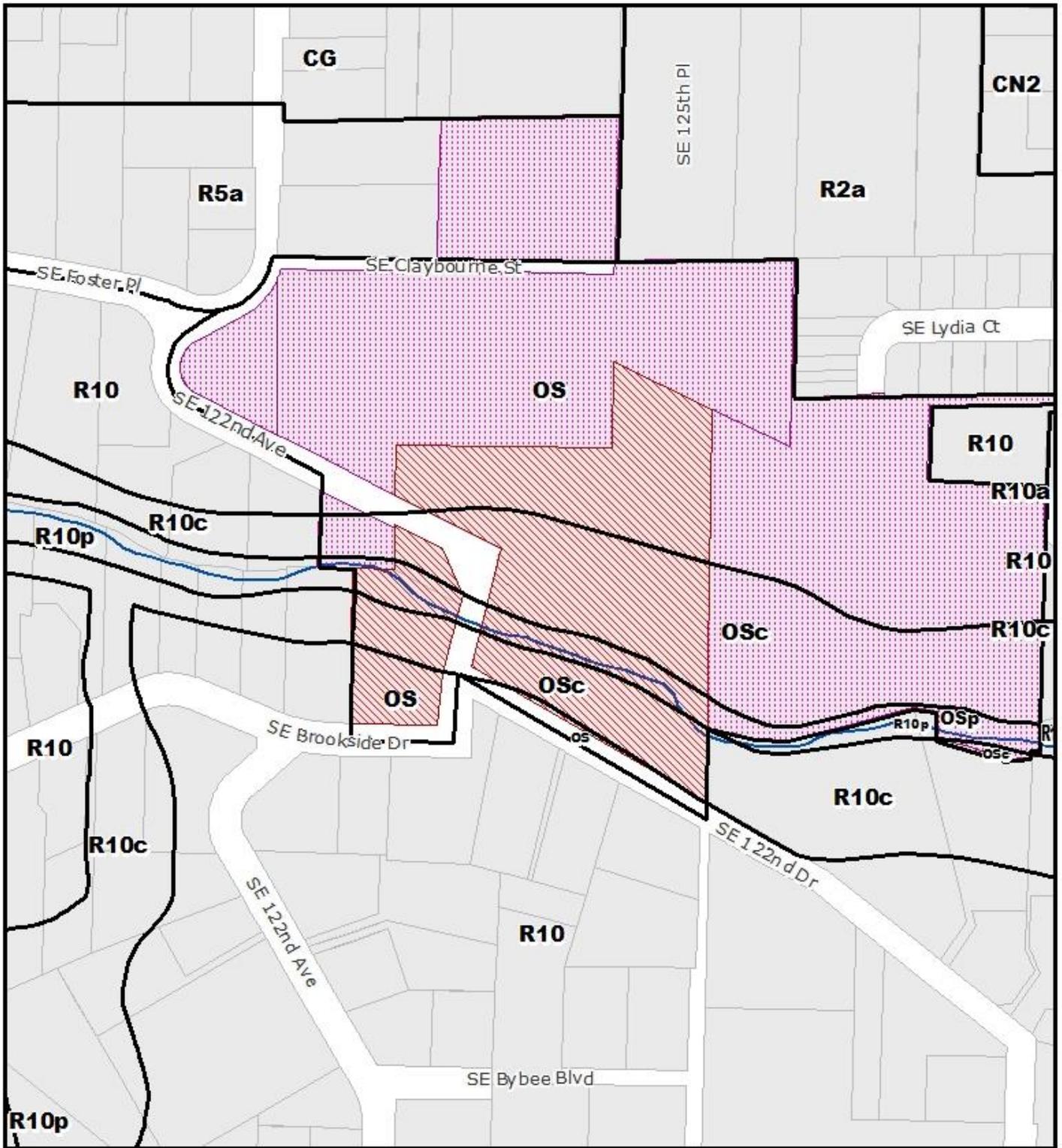
#### **APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer Street 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, which 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 Plans



# ZONING



THIS SITE LIES WITHIN THE:  
JOHNSON CREEK BASIN PLAN DISTRICT  
SOUTH SUBDISTRICT

-  Site
-  Also Owned Parcels
-  Stream

File No.	LU 17-227712 EN
1/4 Section	3743
Scale	1 inch = 200 feet
State ID	1S2E23BB 2300
Exhibit	B Aug 24, 2017



