



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: October 9, 2018
To: Interested Person
From: Morgan Steele, Land Use Services
503-823-7731 / Morgan.Steele@portlandoregon.gov

NOTICE OF A TYPE Ix 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 45 days, **we need to receive your written comments by 5 p.m. on November 8, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-235221 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. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 18-235221 EN

**Applicant/
Owner's
Representative:** Laura Guderyahn | Portland Parks and Recreation
1120 SW 5th Avenue B-460 | Portland, OR 97204-1912
laura.guderyahn@portlandoregon.gov | 503/823-6736

Owner: Metro
600 NE Grand Avenue | Portland, OR 97232-2736

Site Address: 7040 NE 47th Avenue / Whitaker Ponds Nature Park

Legal Description: LOT 29, LONDON AC & PLAT 2; LOT 30 EXC S 30' & EXC PT IN ST, LONDON AC & PLAT 2; S 30' OF LOT 30, LONDON AC & PLAT 2; LOT 31, LONDON AC & PLAT 2; LOT 32 EXC PT IN ST, LONDON AC & PLAT 2; LOT 33 EXC PT IN ST, LONDON AC & PLAT 2; LOT 34 TL 3100 SPLIT MAP R317680 (R942183960), LONDON AC & PLAT 2; TL 1500 4.80 ACRES, SECTION 18 1N 2E; TL 500 0.09 ACRES, SECTION 18 1N 2E; TL 401 2.39 ACRES SPLIT MAP R208336 (R506001140), SECTION 18 1N 2E; LOT A TL 102, PARTITION PLAT 2008-143

Tax Account No.: R506000880, R506000920, R506000940, R506000960, R506001020, R506001080, R506001140, R942180020, R942183540, R942183960, R506000920, R649885690

State ID No.: 1N2E18BD 00900, 1N2E18BD 00700, 1N2E18BD 00800, 1N2E18BD 00600, 1N2E18BA 03300, 1N2E18BA 03200, 1N2E18BA 03100, 1N2E18A 01500, 1N2E18BD 00500, 1N2E18BD 00401, 1N2E18BD 00700, 1N2E18B 00102

Quarter Section: 2335, 2336

Neighborhood: Cully, contact David Sweet at 503-493-9434.
Business District: Columbia Corridor Association, contact at info@columbiacorridor.org
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict
Other Designations: 100-Year Floodplain; *Middle Columbia Corridor Inventory* – Site CS4, Middle Slough/Whitaker Slough

Zoning: *Base Zone:* Open Space (OS)
Overlay Zones: Environmental Conservation (c), Aircraft Landing (h), Prime Industrial (k), PDX Noise Impact (x)

Case Type: EN – Environmental Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

Portland Parks and Recreation (PP&R) is proposing to remove a total of 37 native trees over six inches diameter breast height (dbh) from the Environmental Conservation overlay zone within Whitaker Ponds Nature Park. Currently, there are four areas within the park that, as a result of successful mitigation projects, have become hyper-dense, affecting the health of multiple tree stands and preventing native shrubs and groundcovers from establishing due to shade cover. Through the removal of the trees and the planting of native shrubs and ground covers, the goal of the project is to create healthier forests with a diversity of species and successional stages.

The 37 native trees, totaling 294 inches dbh, will be removed with a chainsaw and either 1) bucked up and left on site or 2) placed in Whitaker Ponds East and West to serve as habitat for fish, birds and turtles. Once the trees are removed, native shrubs and groundcovers will be planted in the newly thinned areas, providing species diversity; in total 625 shrubs and groundcovers will be planted from 15 different species. It is important to note all trees will be removed outside the bird nesting window to avoid impacting breeding/nesting birds.

The entirety of the project is located within the City’s Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, trees removed as part of the resource enhancement project will not be replaced as required (Table 430-3). Standard 33.430.170.C.5.E is not met by this proposal; therefore, the work must be approved through an Environmental Review.

Relevant Approval Criteria:

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

■ **Section [33.430.250\(B\)](#) – Resource Enhancement Projects**

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 September 10, 2018 and determined to be complete on October 2, 2018.

Decision Making Process

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

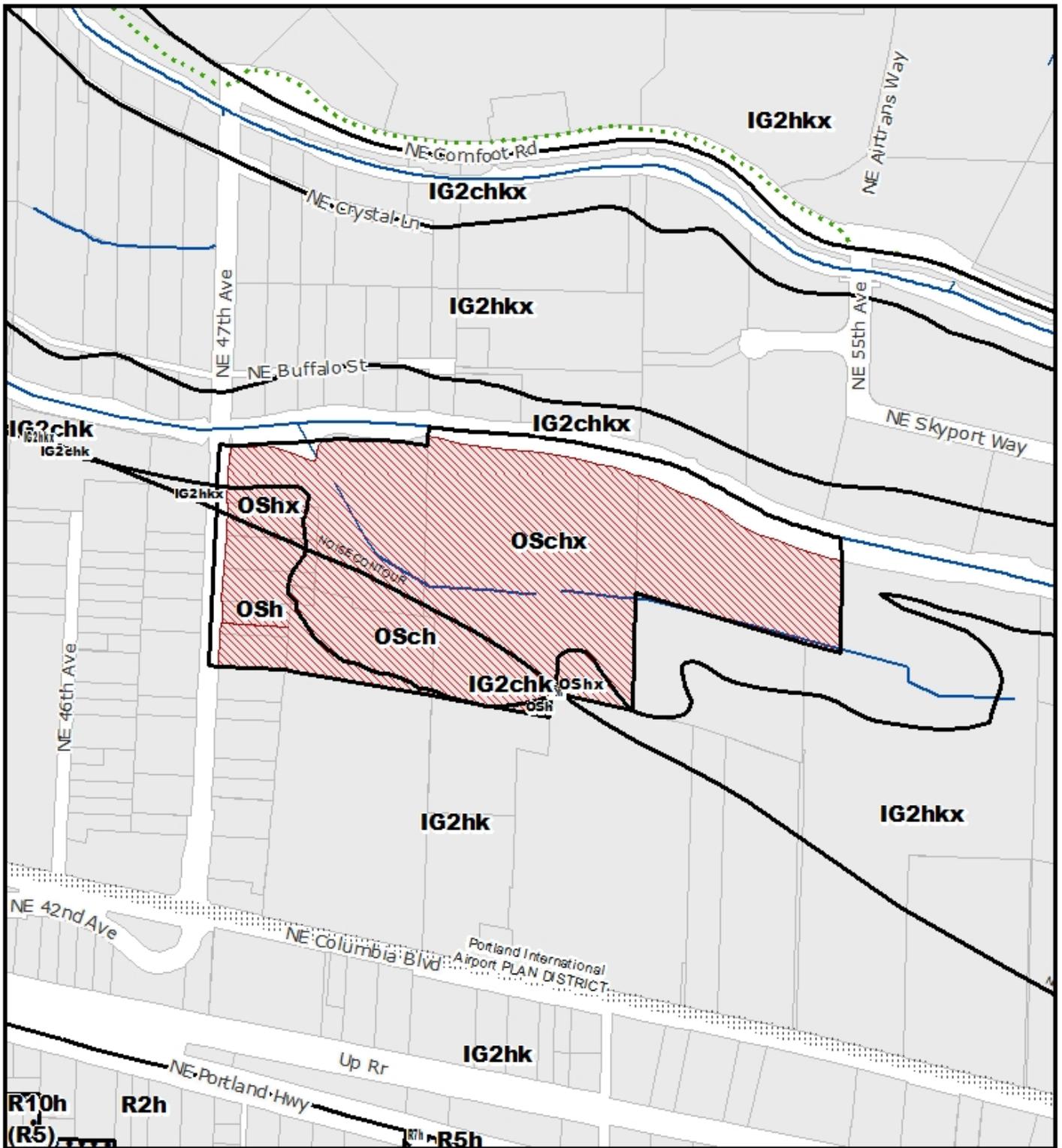
Appeal Process

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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



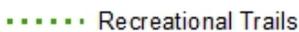
THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUBDISTRICT SUBDISTRICT



Site



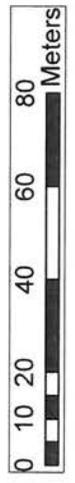
Stream



Recreational Trails

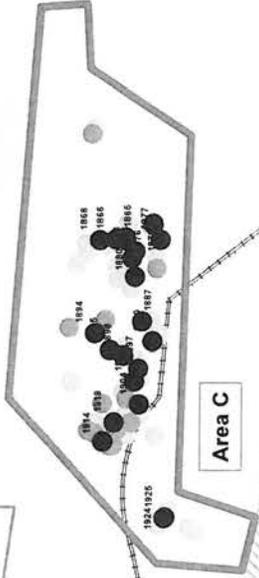
File No.	LU 18-235221 EN
1/4 Section	2335,2336
Scale	1 inch = 400 feet
State ID	1N2E18BA 3200
Exhibit	B Sep 13, 2018

**Whitaker Ponds Native Tree Thinning Project
Proposed Development Site Plan**



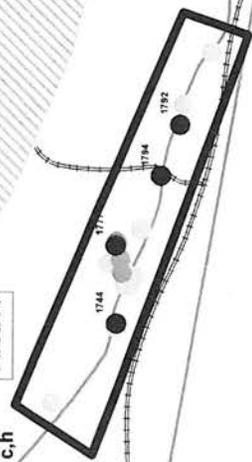
Legend

- Trees to be removed (black dot)
- Trees less than 6" dbh to be removed (grey dot)
- Trees to remain (white dot)
- Trails (dashed line)
- City of Portland Wetlands (hatched area)



Area C

Temporary Disturbance - 38,000 sq ft
Permanent Disturbance - 0 sq ft



Area A



Area B

Area D

h,x

h

h,k

h,k,x