



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 9, 2019
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010 / Andrew.Gulizia@portlandoregon.gov

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

CASE FILE: LU 18-271506 CU AD
(PC # 18-234592)
REVIEW BY: Hearings Officer
WHEN: September 4, 2019 at 1:30pm
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

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 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.

It is important to submit all evidence to the Hearings Officer. The City Council will not accept additional evidence if there is an appeal of this proposal.

Applicant's Representative: Serah Breakstone | DOWL
720 SW Washington St., Ste. 750 | Portland, OR 97205
(971) 280-8661 | sbreakstone@dowl.com

Applicant: Julie Goodrich | Portland General Electric Co.
121 SW Salmon St. | Portland, OR 97204

Property Owner: Portland General Electric Co.
121 SW Salmon St. | Portland, OR 97204

Site Address: 2334 SE 174th Ave.

Legal Description: TL 6700 0.75 ACRES DEPT OF REVENUE, SECTION 06 1S 3E; TL 7000
0.30 ACRES DEPT OF REVENUE, SECTION 06 1S 3E

Tax Account No.: R993061830, R993061890

State ID No.: 1S3E06DC 06700, 1S3E06DC 07000

Quarter Section: 3248

Neighborhood: Centennial, contact Tom Lewis at 503-347-5715

Business District: Midway, contact info@midwaybusiness.org

District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694

Zoning: R7a - Single-Dwelling Residential 7,000 with Alternative Design Density (“a”) overlay
CM1 – Commercial/Mixed-Use 1

Case Type: CU AD – Conditional Use Review and Adjustment Review

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The applicant requests Type III Conditional Use Review approval to reconstruct the existing electrical substation on the subject site with new equipment and a larger graveled area. An electrical substation is classified as a Basic Utility use (Zoning Code Section 33.920.400). In the R7 residential zone, this type of Basic Utility use requires Conditional Use Review (Zoning Code Section 33.110.100.B.5). Since the northern part of the subject site is zoned R7, the proposal for the entire site requires Conditional Use Review (Zoning Code Section 33.815.070). In the applicant’s proposal, the substation site would be unoccupied most of the time, with approximately one employee visit per month.

In addition to the Conditional Use Review, the applicant has requested Adjustments to Zoning Code development standards:

1. In the R7-zoned portion of the site, the applicant requests the following Adjustments to the Institutional Development Standards (Zoning Code Section 33.110.245.C.1, Table 110-5):
 - Reduce the minimum width of the required L3 landscaping buffer along the north lot line from 15 feet to 8’-8”;
 - Reduce the minimum width of the required L3 landscaping buffer along a portion of the east lot line from 15 feet to 3’-9”;
 - Reduce the minimum percentage of the R7-zoned portion of the site which must be landscaped from 25% to 15%.
2. In the CM1-zoned portion of the site, the applicant requests to reduce the minimum width of the required L3 landscaping buffer abutting the R2 zone boundary from 10 feet to 3’-9” (Zoning Code Section 33.130.215.B.2.b).
3. The applicant requests the following Adjustments to the L1 (general landscaping) and L3 (high screen) landscaping standards (Zoning Code Sections 33.248.020.A.2 and 33.248.020.C.2):
 - Reduce the number of small-sized trees required along the east lot line from 20 to 2; and
 - In the R7-zoned portion of the site, modify the requirement for continuous rows of high screen (6-foot-tall evergreen) shrubs along the west and south lot lines to allow 31 high screen shrubs that are not in continuous rows.
4. In both the R7-zoned and CM1-zoned portions of the site, increase the maximum height for a new fence within the side building setbacks from 8 feet to 9 feet (Zoning Code Sections 33.110.255.C.2.a and 33.130.270.C.2).

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Zoning Code Section 33.815.105.A-E (Conditional Use Review); and
- Zoning Code Section 33.805.040.A-F (Adjustment Review).

The City’s 2035 Comprehensive Plan has been appealed. Because Zoning Code Section 33.815.105.A-E is considered an “unacknowledged land use regulation” while the appeal is pending, this proposal must also comply with applicable Statewide Planning Goals. Should the applicable City approval criteria become “acknowledged” during the review, the proposal may no longer be required to demonstrate compliance with the Statewide Planning Goals.

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 November 29, 2018 and determined to be complete on May 24, 2019.

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 <https://www.portlandoregon.gov/bds/35625>. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandonline.com/auditor/index.cfm?c=28197>

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, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. The Hearings Officer does not accept comments via e-mail. 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 at 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 before the Hearings Officer, 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.

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.

APPEAL PROCESS

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in 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 on that issue may not be allowed.

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency. 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) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.

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

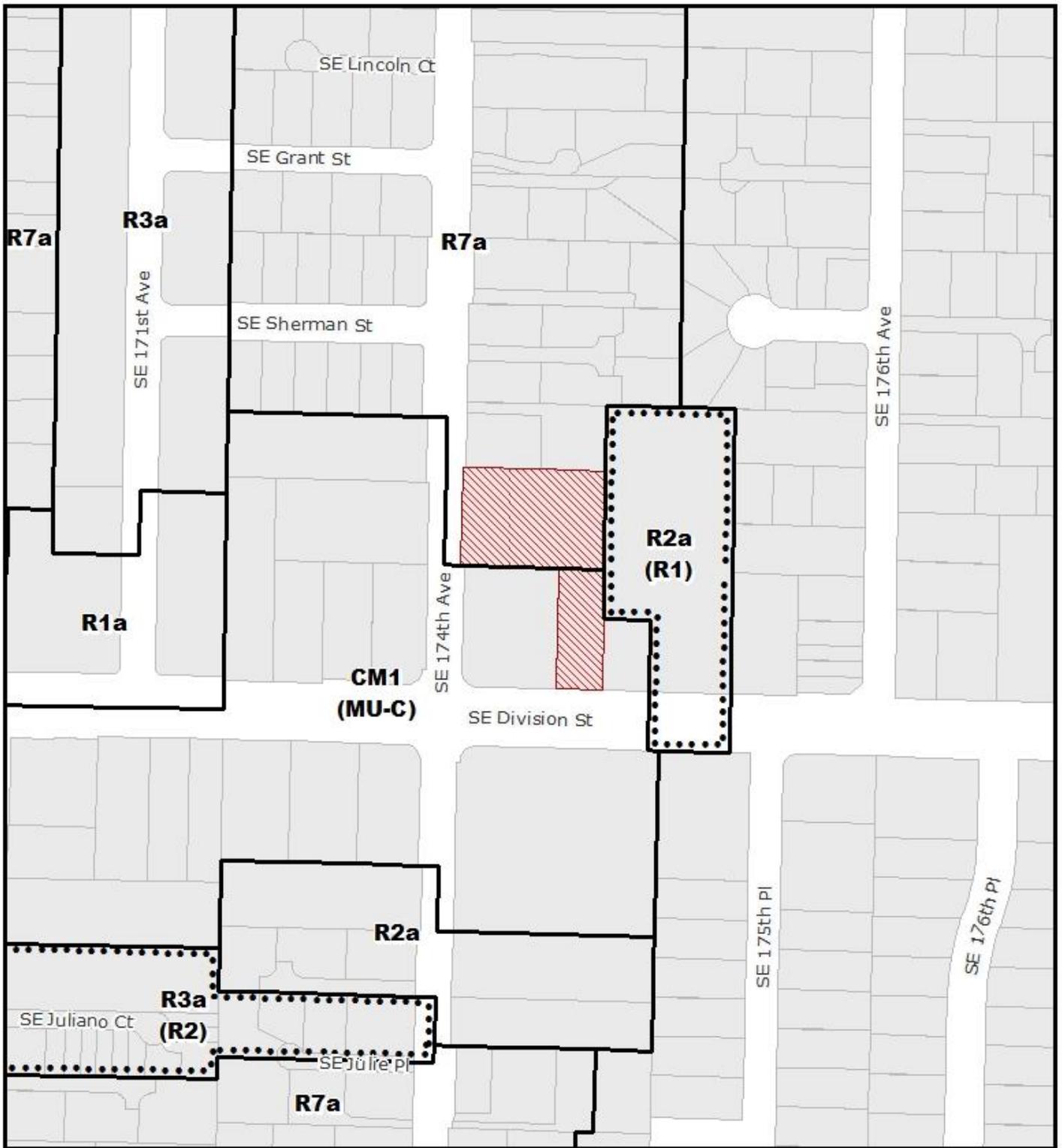
Tri-Met buses and trains stop near the BDS building. Call Tri-Met at 503-238-7433 (or www.trimet.org) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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

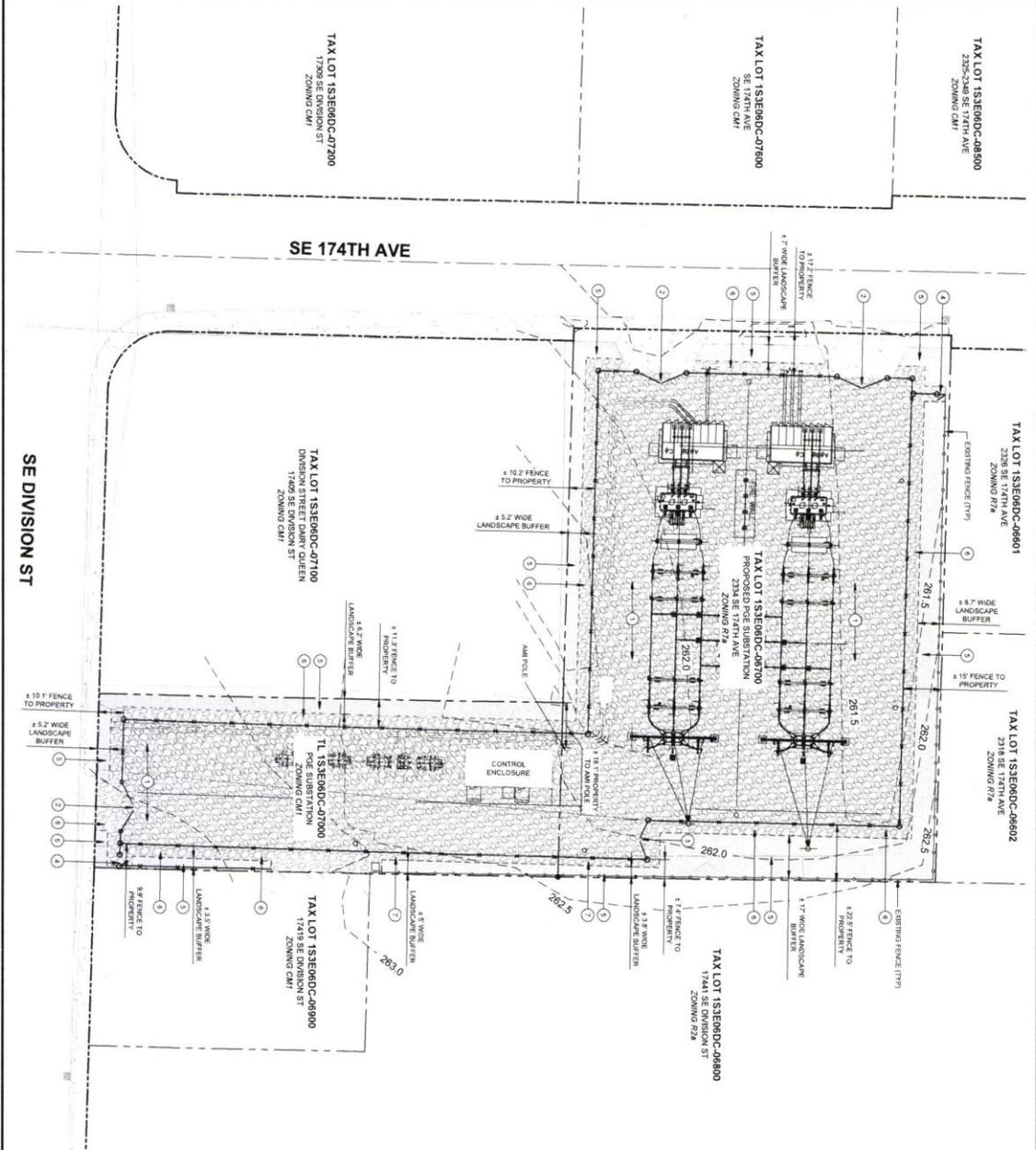
Site plan



ZONING  NORTH

 Site

File No.	LU 18-271506 CU AD
1/4 Section	3248
Scale	1 inch = 200 feet
State ID	1S3E06DC 6700
Exhibit	B Dec 03, 2018



DEVELOPMENT INFORMATION

GROSS AREA: 13,289.1 SF (4.5 AC) ZONING: R2M
 TAX LOT 1S2ER0DC-07000 = 13,293.3 SF (4.027 AC) ZONING: CM1
 DEVELOPMENT STANDARDS: CITY OF PORTLAND
 ZONING: RESIDENTIAL 7000 - R2M (CHAPTER 33.110)
 ZONING: COMMERCIAL MIXED USE 1 - CM1 (CHAPTER 33.120)

NOTES:
 1. MAP INFORMATION BASED ON SITE PLAN INFORMATION PROVIDED BY PGE & OREGON STATE. PGE HAS PROVIDED ALL NECESSARY INFORMATION FOR THE CITY OF PORTLAND TO COMPLETE THE DEVELOPMENT STANDARDS. THE CITY OF PORTLAND HAS NOT VERIFIED THE ACCURACY OF THIS INFORMATION.

CONSTRUCTION NOTES:

1. INSTALL GRAVEL YARD SURFACING, SPECIFIC APPROPRIATE BLEND TO MEET PGE CONSTRUCTION REQUIREMENTS. SUBMIT TO THE OREGON ROAD & LANDSCAPE CONSTRUCTION DIVISION FOR REVIEW AND APPROVAL.
2. INSTALL 3" WIDE GATE
3. INSTALL 1" WIDE GATE
4. INSTALL 1" WIDE GATE
5. LANDSCAPE AREAS, SEE LANDING PLAN SHEET L1
6. 3" WIDE CRUSHED ROCK MAINTENANCE PATH, SEE PLANNING PLAN SHEET L1
7. 5" WIDE CRUSHED ROCK MAINTENANCE PATH, SEE PLANNING PLAN SHEET L1

LEGEND

- EXISTING PROPERTY LINES
- EXISTING CONTIGUOUS - 0.5' INTERVAL
- EXISTING 9' HIGH FENCE
- PROPOSED 9' HIGH FENCE
- PROPOSED GRAVEL YARD SURFACING

TYPICAL YARD SURFACING CROSS SECTION

SECTION A-A

1.5" GRAVEL
 2" (2" MIN. 2" MAX.)
 2" (2" MIN. 2" MAX.)
 2" (2" MIN. 2" MAX.)
 4" (4" MIN. 4" MAX.)

OREGON UTILITY NOTIFICATION CENTER
 1-800-532-2344

PG&E Portland General Electric

CALL BEFORE YOU DIG

20' SCALE

PG&E CENTENNIAL SUBSTATION SITE PLAN
 PORTLAND GENERAL ELECTRIC
 234 SE 174th Avenue
 PORTLAND, OREGON

DOWL
 www.dowl.com
 720 SW Washington Street, #750
 Portland, Oregon 97208
 971-280-8641

REVISIONS

REV	DATE	DESCRIPTION	BY

3.0

LU 18-271506 CU AD