



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: April 17, 2020
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395/Timothy.Novak@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 May 8, 2020. **During the COVID-19 pandemic, your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 20-111460 EN

Applicant: Daniel Boatman & Amy Dunning | Bureau of Environmental Services
1120 SW 5th Avenue, Room #1000 | Portland, OR 97204
503.823.7162 | Daniel.Boatman@portlandoregon.gov

Owner: Oregon Department of Transportation | Attn: James Bailey
9200 Lawnfield Road | Clackamas, OR 97015

Representative: Dana Devin-Clarke | Kennedy/Jenks Consultants
421 SW 6th Ave #1000 | Portland, OR 97204

Site Address: Right-of-Way near the intersection of SW Mitchell Street & SW 1st Avenue

Legal Description: N/A
Tax Account No.: N/A
State ID No.: N/A
Quarter Section: 3529

Neighborhood: SWN, South Portland NA., contact Jim Gardner at contact@southportlandna.org

Business District: South Portland Business Association, contact info@southportlanddba.com.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: *Southwest Hills Resource Protection Plan* – Resource Site #114

Zoning: *Base Zones:* Residential 1,000 (R1), Residential 2,000 (R2)
Overlay Zone: Environmental Conservation (c)

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

Proposal:

The applicant, Bureau of Environmental Services, is seeking approval to rehabilitate a damaged 15-inch concrete sanitary sewer line that runs adjacent to Interstate 5 within Oregon Department of Transportation (ODOT) right-of-way in the Burlingame neighborhood of SW Portland. To rehabilitate this damaged pipe, a pipe bursting method will be used to install a new 18-inch high-density polyethylene (HDPE) pipe for a total of 272 feet. Pipe bursting is a trenchless method of pipe replacement that involves digging an access pit and inserting a bursting head into the existing sewer line. The bursting head breaks the old pipe apart and pulls the new pipe into place behind it. Additionally, a new 48-inch MH will be installed over the crushed area of the pipe for future protection of this area and to provide maintenance access to the pipeline.

To access the damaged pipe area for repair, 12 trees, ranging from 3 to 20-inches diameter breast height (DBH) could be impacted and require removal. To mitigate for impact to these trees, the applicant is proposing to plant 125 trees and 375 shrubs with native species found on the *Portland Plant List*. The applicant is also proposing a combination of construction management techniques including erosion control devices and low-impact equipment to keep impacts to natural resources at a minimum.

A portion of this site is within the Environmental Conservation overlay zone. Applicable environmental standards must be met to allow the work to occur by right. For those standards that are not met, Environmental Review is required. In this case, the proposal requires the removal of trees over 12 inches DBH. Standard 33.430.150.E is not met by the 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 criteria are:

❖ **33.430.250.A – Utilities**

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 January 29, 2020 and determined to be complete on April 14, 2020.

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 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.

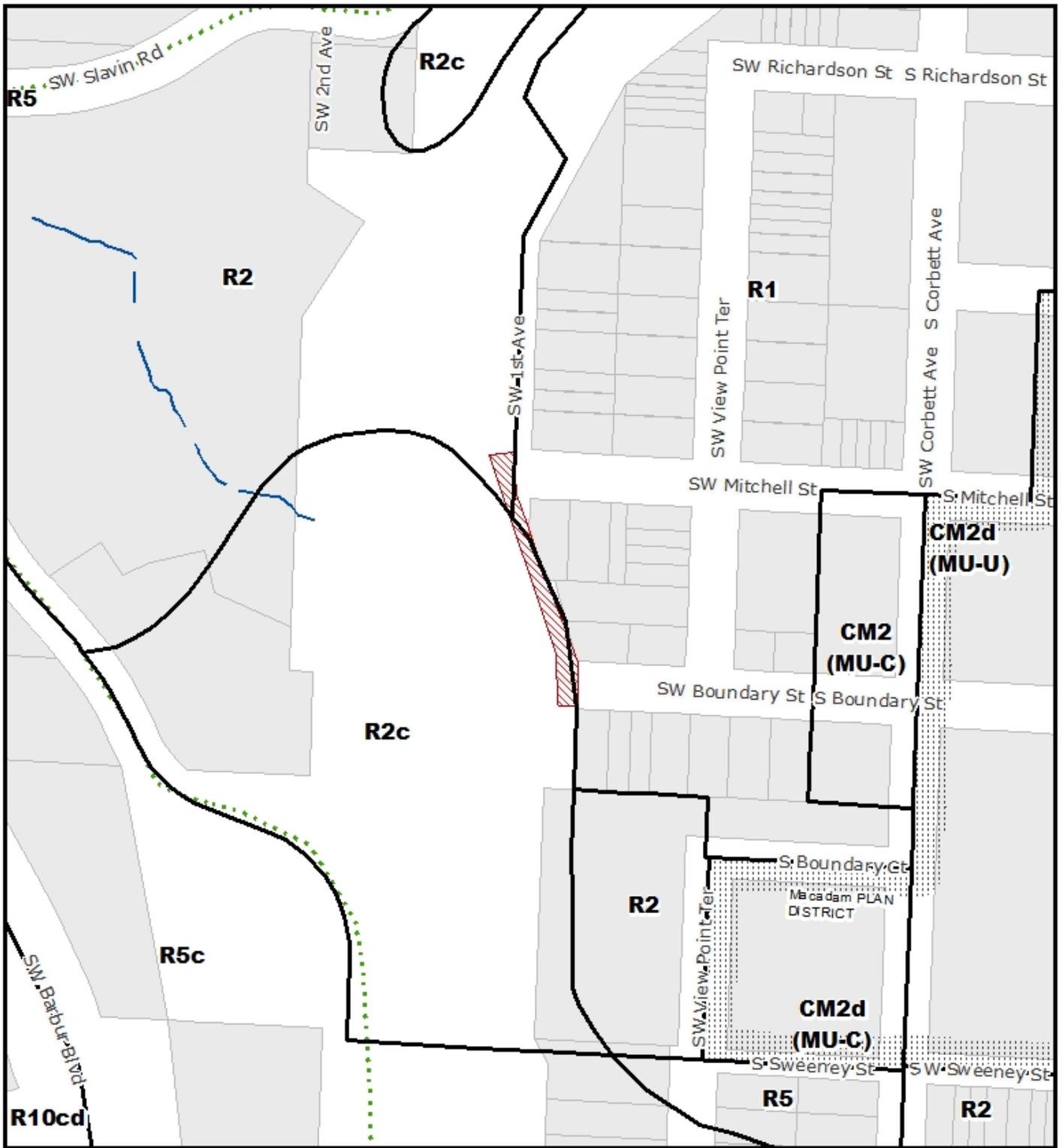
APPEAL OF THE FINAL CITY DECISION

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

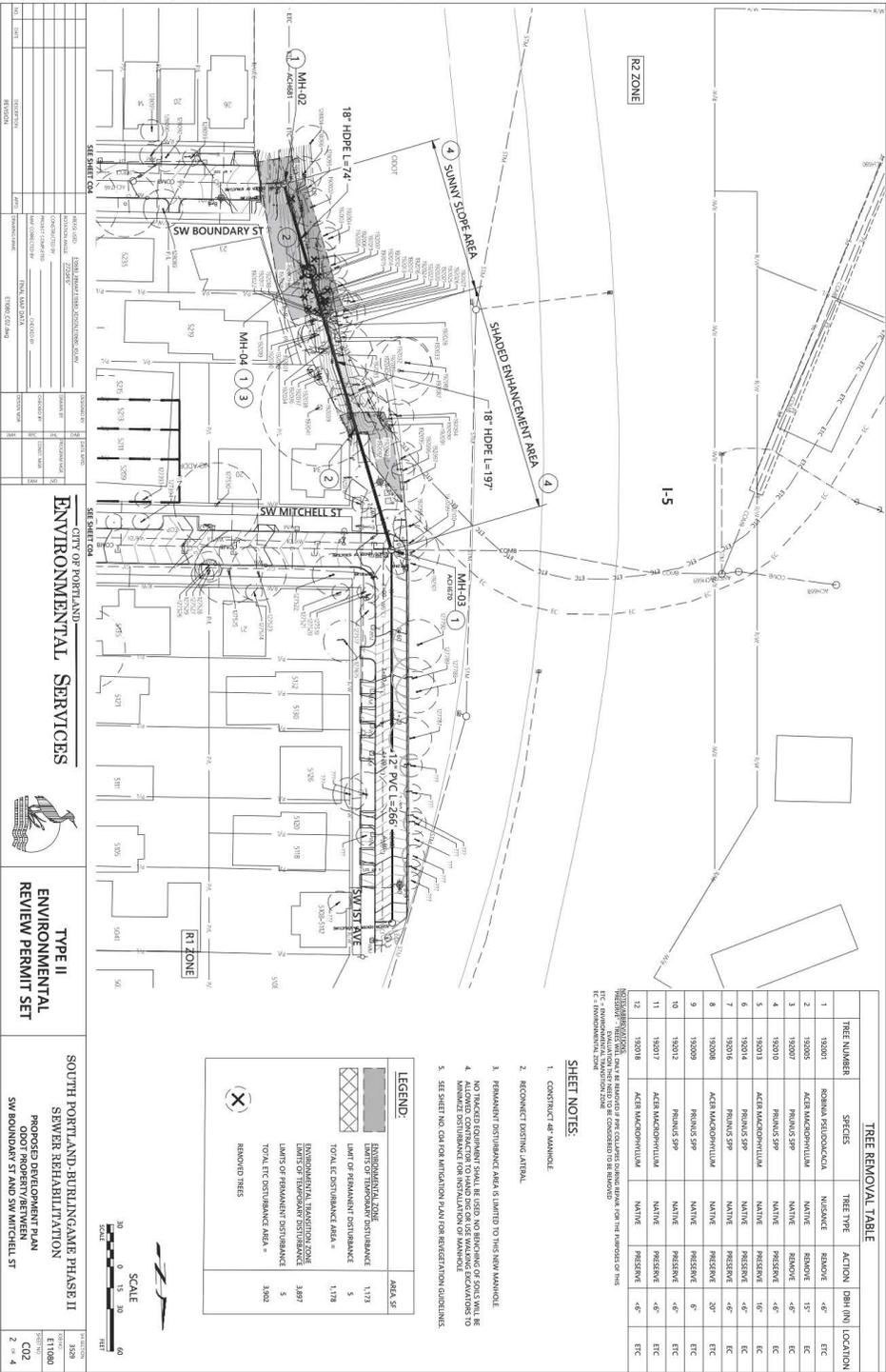


ZONING



-  Site
-  Stream
-  Recreational Trails

File No.	LU 20 - 111460 EN
1/4 Section	3529
Scale	1 inch = 163 feet
State ID	1S1E15BC 3702
Exhibit	B Jan 31, 2020



TREE REMOVAL TABLE

TREE NUMBER	SPECIES	TREE TYPE	ACTION	DBH (IN)	LOCATION
1	193001	ROBINA RETRODOCKIA	REMOVE	<6"	ETC
2	193005	ACER MACROPHYLLUM	NATIVE	REMOVE	15'
3	193007	FRAXINUS SPP	NATIVE	REMOVE	<6"
4	193010	FRAXINUS SPP	NATIVE	REMOVE	<6"
5	193011	ACER MACROPHYLLUM	NATIVE	PRESERVE	1-6"
6	193014	FRAXINUS SPP	NATIVE	PRESERVE	<6"
7	193016	FRAXINUS SPP	NATIVE	PRESERVE	<6"
8	193028	ACER MACROPHYLLUM	NATIVE	PRESERVE	20"
9	193009	FRAXINUS SPP	NATIVE	PRESERVE	6"
10	193012	FRAXINUS SPP	NATIVE	PRESERVE	<6"
11	193017	ACER MACROPHYLLUM	NATIVE	PRESERVE	<6"
12	193018	ACER MACROPHYLLUM	NATIVE	PRESERVE	<6"

SHEET NOTES

1. CONSTRUCT 48" MANHOLE.
2. RECONNECT EXISTING UTILITY.
3. PERMANENT DISTURBANCE AREA IS LIMITED TO THIS NEW MANHOLE.
4. NO TRACKED EQUIPMENT SHALL BE USED. NO BRANCHING OR SOILS WILL BE REMOVED. ALL EXISTING TREES SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNLESS OTHERWISE INDICATED FOR REMOVAL OR DAMAGE.
5. SEE SHEET NO. 004 FOR ANTICIPATION 9" DIA. FOR REGENERATION GUARDRAILS.

LEGEND

SYMBOL	DESCRIPTION	AREA (SQ FEET)
[Solid Grey Box]	ENVIRONMENTAL DISTURBANCE AREA	1,131
[Dashed Line]	LIMIT OF PERMANENT DISTURBANCE	5
[Cross-hatched Box]	TOTAL ETC DISTURBANCE AREA *	1,139
[Dotted Line]	ENDORSEMENTAL TRANSITION ZONE	3,897
[Dotted Line]	LIMITS OF TEMPORARY DISTURBANCE	5
[Dotted Line]	TOTAL ETC DISTURBANCE AREA *	3,902
[Circle with X]	REMOVED TREES	

ENVIRONMENTAL SERVICES

TYPE II ENVIRONMENTAL REVIEW PERMIT SET

SOUTH PORTLAND-BURLINGAME PHASE II SEWER REHABILITATION PROPOSED DEVELOPMENT PLAN DOT PROPERTY BETWEEN SW BOUNDARY ST AND SW MITCHELL ST

DATE: 4/13/2020
 SHEET NO.: 2 OF 4
 PROJECT NO.: E11080