



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

Dan Ryan, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** September 30, 2021  
**To:** Interested Person  
**From:** Morgan Steele, Land Use Services  
503-865-6437/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 October 21, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-058984 EN TR, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

## **CASE FILE NUMBER: LU 21-058984 EN TR**

**Applicants:** Ken Barnhart | Prologis  
4380 S Macadam Avenue, Suite 285 | Portland, OR 97239

**Owner/Agent:** Terry Bendrick | Prologis-Exchange 6400 SE 101st LLC  
1800 Wazee Street, #500 | Denver, CO 80202

**Representative:** Matthew Robinson | Dowl  
720 SW Washington Street, Suite 750 | Portland, OR 97205  
(971) 229-8318 | [mrobinson@dowl.com](mailto:mrobinson@dowl.com)

**Site Address:** 6400 SE 101ST AVENUE (Freeway Lands)

**Legal Description:** BLOCK 4 INC PT VAC STS LOT 1-10 LAND & IMPS SEE R624825 (R022400261) FOR MACH & EQUIP, AMBOY; BLOCK 7 TL 6501, MCKINLEY PK; BLOCK 11 TL 6502, MCKINLEY PK; BLOCK 11 TL 6500 SPLIT MAP R215713 (R551002240), MCKINLEY PK; BLOCK 11&12 TL 5100 SPLIT MAP R215712 (R551002230), MCKINLEY PK; TL 100 70.21 ACRES LAND & IMPS SEE R606684 (R992222591) FOR MACH & EQUIP SPLIT MAP R336871 (R992222590), SECTION 21 1S 2E; TL 3200 19.55 ACRES, SECTION 22 1S 2E; TL 100 7.58 ACRES SPLIT MAP R336673 (R992211480), SECTION 22 1S 2E

**Tax Account No.:** R022400260, R551001570, R551002140, R551002230, R551002240, R992211480, R992221570, R992222590

**State ID No.:** 1S2E21AA 02100, 1S2E16DD 06501, 1S2E16DD 06502, 1S2E16DD 06500, 1S2E15CC 05100, 1S2E21A 00100, 1S2E22BB 03200, 1S2E22BC 00100

**Quarter Section:** 3740,3741,3840,3640,3641

**Neighborhood:** Lents, contact at [lentsneighborhood@gmail.com](mailto:lentsneighborhood@gmail.com)  
**Business District:** Lents Business Association, contact [lentsgrown@gmail.com](mailto:lentsgrown@gmail.com).

<b>District Coalition:</b>	East Portland Community Office, contact at 503-823-4550.
<b>Plan District:</b>	Johnson Creek Basin
<b>Other Designations:</b>	<i>Johnson Creek Basin Protection Plan</i> – Resource Site 14; 100-Year Floodplain
<b>Zoning:</b>	<i>Base Zone:</i> General Employment 2 (EG2) <i>Overlay Zones:</i> Buffer (b), Environmental Conservation (c), Environmental Protection (p)
<b>Case Type:</b>	EN TR – Environmental Review & Tree Review
<b>Procedure:</b>	Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant is proposing redevelopment of the 99-acre Freeway Lands industrial site located in Southeast Portland near the intersection of SE Foster Road and SE 101<sup>st</sup> Avenue. The development proposal includes warehouse buildings and associated development such as parking, access road widening, stormwater management facilities, and stormwater outfalls. The applicant also proposes the installation of a new bridge over Johnson Creek adjacent to the existing bridge for safer ingress and egress. In addition to the industrial development and its components, the applicant proposes resource enhancement adjacent to Johnson Creek in the form of floodplain restoration. The man-made earthen berm will be removed from the banks of the creek to help restore the historic floodplain and to compensate for proposed fill in the floodplain in other portions of the site.

The proposed development at the site, for all components, will disturb a total of 327,241 square feet of the Environmental Conservation and Environmental Protection overlay zones. The proposal will further impact natural resources by requiring the removal of 160 trees (2,239 inches total diameter breast height [dbh]). To mitigate for these impacts and to restore the floodplain, the applicant is proposing to install native plantings consisting of 10,668 trees, 21,128 shrubs, and 71,764 groundcovers covering a total of 301,987 square feet throughout the entirety of the site.

The site is within the City's Environmental Conservation and Environmental Protection overlay zones. 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, multiple development standards for the general development, stormwater outfalls, and resource enhancement are not met by the proposal. For this reason, an Environmental Review is required. Further, tree removal is proposed outside the Environmental Zones but within the Johnson Creek Basin Plan District and therefore standard 33.537.125.C is not met. For this reason, a Tree Review is also required.

**RELEVANT APPROVAL CRITERIA:**

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

- ❖ **33.430.250.A – Outfalls**
- ❖ **33.430.250.B – Resource Enhancement**
- ❖ **33.430.250.E – Other Development**
- ❖ **33.853.040.A – Trees in the Johnson Creek Basin Plan District**

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 June 21, 2021 and determined to be complete on September 27, 2021.

**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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

#### **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