



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

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Date: April 22, 2022

From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@portlandoregon.gov

REQUEST FOR RESPONSE

Case File: LU 22-121469 CU AD
Pre App: PC # 21-087717

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Marguerite Feuersanger at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 and fax them to 503-823-4347.

The Bureau of Development Services recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to BDS no later than: May 20, 2022**
(If I receive comments after this date, I may not have enough time to include them in the staff report).
- **We must publish our report by: May 27, 2022.**
- **A public hearing before the Hearings Officer is tentatively scheduled for June 8, 2022, at 2 pm**

Applicant: Eli Murphy
Oregon Department of Environmental Quality
Laboratory and Environmental Assessment Division
7202 NE Evergreen Parkway, Suite 150
Hillsboro, OR 97124
murphy.eli@deq.state.or.us (971) 806-4345

Owner: Oregon State of (Department Of Environmental Quality)
Attention: Brian Boling
700 NE Multnomah St. #600
Portland, OR 97232

Site Address: 5822 SE Lafayette Street

Legal Description: BLOCK 2 LOT 5, STRANGS ADD
Tax Account No.: R800000530
State ID No.: 1S2E07DA 04900
Quarter Section: 3436

Neighborhood: Foster-Powell, contact Joseph Liu at land.use@fosterpowell.com
Business District: None
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Zoning: R5, Residential 5,000 zone

Case Type: CU AD, Conditional Use and Adjustment Reviews
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 Oregon Department of Environmental Quality (DEQ) proposes to modernize the existing Air Quality Monitoring facility on the subject site by replacing the existing building and tower with a new building (12.5 feet by 24 feet in footprint and 15 feet in height) and new tower (53 feet in height, located on a concrete pad). DEQ owns the 4,000 square-foot site and facility, which has been in operation since 1980. A site plan, landscape plan, and building elevations are attached to this notice.

The facility is classified as a Basic Utility use in the Zoning Code. Basic Utility uses are part of the broader Institutional use category and are identified as Conditional Uses in the R5 zone. Because the facility's prior Conditional Use approval for has expired (#CU 100-90), a new Conditional Use review is requested for this proposal. The applicant is also requesting the following four Adjustments:

1. Reduce the Minimum Site Area for New Uses standard from 10,000 square feet to 4,000 square feet (Table 110-8 of Section 33.110.270);
2. Reduce the Minimum Building Setbacks standard for the proposed building, from 15 feet to 5.8 feet for the east side property line, and for the proposed tower, from 27 feet to 10 feet for the west side property line and 22 feet for the east side property line (Table 110-8 of Section 33.110.270);
3. Waive the requirement for trees for the Buffering From Abutting Residential Zones standard (15 feet to the L3 standard), for portions of the east and west side property lines as shown on the site plan (Table 110-8 of Section 33.110.270); and

4. Waive the requirement for screening of proposed rooftop mechanical equipment (Section 33.110.270.C.6).

Background information from the applicant: The site has served as one of the main facilities in DEQ's statewide network of pollutant monitoring sites mandated by the U.S. Environmental Protection Agency (EPA) Clean Air Act of 1970. In 2011, the Site was formally accepted into EPA's National Core Multipollutant Monitoring Network (NCore), which made the facility a permanent fixture and solidified its status as one of the most scrutinized and most important monitoring sites in DEQ's statewide network.

In 2016, EPA announced a mandate that all states currently operating an NCore site must expand their monitoring capabilities to meet the requirements of the Photochemical Assessment Monitoring Site (PAMS) Network, with an implementation deadline of June 2021. The mandate requires the addition of a significant amount of new monitoring equipment that the current shelter is not able to accommodate. Due to the age of the existing structure (in excess of 40 years) and associated safety concerns, DEQ has decided to demolish the shelter and replace it with a new pre-fabricated shelter that will accommodate the necessary monitoring equipment. The existing air monitoring tower will also be removed and replaced with a new 50-foot tower.

Approval Criteria:

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

- Section 33.815.105, Approval Criteria for Institutional and Other Uses in Residential Zones; and
- Section 33.805.040.A through F, Approval Criteria for Adjustments

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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on March 10, 2022 and determined to be complete on April 18, 2022.

Enclosures: Zoning Map, Site Plan, Building Elevations