



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

Dan Ryan, Commissioner
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Date: September 22, 2022
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-865-6514/Amanda.Rhoads@portlandoregon.gov

NOTICE OF A REVISED 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. **Note: this is a revised notice. A new element, the replacement of the existing basketball court on the west side of the park, has been added; the rest of the proposal remains the same.**

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on October 13, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-158987 CU AD, 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 22-158987 CU AD

Applicant: Jill Hutchinson, Portland Parks & Recreation
1120 SW 5th Ave, Suite 858 | Portland, OR 97204
Jill.Hutchinson@portlandoregon.gov | 971-940-5733

Owner: City of Portland
1120 SW 5th Ave #858 | Portland, OR 97204

Representative: Matt Hastie, MIG/APG
506 SW 6th Ave #400 | Portland, OR 97204
mhastie@migcom.com | 503-539-7680

Site Address: 7736 N KERBY AVE

Legal Description: TL 200 13.78 ACRES, SECTION 10 1N 1E; TL 300 0.05 ACRES, SECTION 10 1N 1E

Tax Account No.: R941100340, R941101380

State ID No.: 1N1E10D 00200, 1N1E10D 00300

Quarter Section: 2229 & 2230

Neighborhood: Piedmont, contact Deanne Gomez at gomez.deanne@yahoo.com

Business District: Soul District Business Association, contact at Info@nnebaportland.org

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.
Plan District: None
Zoning: OSh – Open Space base zone with “h” Aircraft Landing Zone Overlay
Case Type: CU AD – Conditional Use Review with concurrent Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

Portland Parks & Recreation is proposing to expand the existing playground at Farragut Park to include age-appropriate equipment for younger children; replace an aging restroom building with two new prefabricated Portland Loos; improve existing pathways, picnic tables, benches, and other existing amenities; and make changes to increase accessibility to the playground and park. The basketball court adjacent to N Kerby Ave on the west side of the park is also slated for replacement; the existing concrete surface will be demolished, and a new asphalt court will be installed in the same location. Conditional Use review is required because the park is a conditional use site due to the recreational field and the scale of the alterations require review. Public street improvements associated with this project are outside the scope of this review.

The cost of the improvements exceeds the threshold to address nonconforming upgrades per Zoning Code Section 33.258.070.D. The applicant requests an Adjustment to two standards that are not currently met: buffering from an abutting residential zone; and buffering across the street from a residential zone, both listed in Table 110-9 and required to be met on this OS-zoned Conditional Use site per Zoning Code Section 33.100.200.B.1.

Adjacent to residential zones (in this case, along the eastern half of the south property line adjacent to the Applegate Head Start site), the requirement is 15 feet of buffering to the L3 high-screen landscaping standard. Across the street from residential sites – along the rest of the south property line and most of the west – the requirement is 15 feet of buffering to the L1 standard (grass with occasional trees). The applicant proposes to maintain current conditions along these property lines through Adjustment of the standards.

RELEVANT 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:

- 33.815.100, Uses in the Open Space Zones
- 33.805.040, Approval Criteria (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 submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on June 30, 2022 and determined to be complete on August 1, 2022.

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
Detailed Site Plan
Playground Plan