



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 25, 2023
To: Interested Person
From: Morgan Steele, Land Use Services
503-865-6437 / Morgan.Steele@portlandoregon.gov

NOTICE OF A TYPE Ix 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 45 days, **we need to receive your written comments by 5 p.m. on February 24, 2023. Your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 22-214179 EN, 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 22-214179 EN

Applicant: Ali Young | Portland Bureau of Environmental Services
1129 SW 5th Avenue, Suite 613 | Portland, OR 97204
503.865.6110 | Ali.Young@portlandoregon.gov

Owner: Oregon Parks & Recreation Department
725 Summer Street, #C | Salem, OR 97301

Representative: Nora Boylan | Wolf Water Resources
1001 SE Water Avenue, Suite 180 | Portland, OR 97214

Site Address: SW Boones Ferry Road (ROW) near SW Arnold Street
10750 & 10841 SW Boones Ferry Road

Legal Description: LOT 1&2 TL 100, CEDAR CREST; E 240' OF LOT 13&14 N 43.5' OF LOT 15 EXC PT IN ST, HUDDLESON HMS; LOT 13&14 TL 2800, HUDDLESON HMS; LOT 15&16 TL 2900, HUDDLESON HMS; TL 100 14.70 ACRES, SECTION 28 1S 1E

Tax Account No.: R144500010, R406900850, R406900860, R406901010, R991280140

State ID No.: 1S1E33AB 00100, 1S1E33AA 02700, 1S1E33AA 02800, 1S1E33AA 02900, 1S1E28D 00100

Quarter Section: 4028 & 4128

Neighborhood: Collins View, contact at contact@collinsviewna.org & Marshall Park, contact at Albertsonzuelke@hotmail.com

Business District: NONE

District Coalition: Office of Community & Civic Life, contact at CivicLife@portlandoregon.gov

Plan District:	NONE
Other Designations:	<i>Tryon Creek and Southwest Hills East</i> – Resource Site SW16, Marshall Park/Capitol Hill; Potential Landslide Hazard Area; 100-Year Floodplain
Zoning:	<i>Base zones:</i> Open Space (OS), Residential 20,000 (R20), Residential 10,000 (R10) <i>Overlay zones:</i> Environmental Protection (p), Environmental Conservation (c), Constrained Sites (z)
Case Type:	EN – Environmental Review
Procedure:	Type IX, an administrative decision with appeal to the Hearings Officer.

PROPOSAL:

The applicant, Bureau of Environmental Services, is requesting approval of an Environmental Review for resource enhancement work within Tryon Creek adjacent to the recently constructed SW Boones Ferry Road Bridge in Southwest Portland. A Type II land use review was completed in 2016 (LU 16-256427 EN) for the replacement of the undersized SW Boones Ferry Road culvert with a single plan steel girder bridge to facilitate fish passage. The work was completed in 2020; however, due to final field conditions, the applicant is requesting approval for further work in the stream including creating a widened, roughened channel to limit the erosive energy of the stream, improve fish passage, and create a more resilient stream ecosystem. This additional work requires the removal of 20 native trees adjacent to the creek for the purposes of widening and roughening the channel. The applicant proposes to restore and enhance these areas upon project completion by plantings native plants within specific regimes including wetland, stream banks, and upland.

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, the resource enhancement activities do not meet the applicable development standards in zoning code section 33.430.190; therefore, the work must be approved through an Environmental Review.

RELEVANT APPROVAL CRITERIA:

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

❖ **33.430.250.B – Resource Enhancement**

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 December 27, 2022 and determined to be complete on January 19, 2023.

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 Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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