

# **City of Portland, Oregon** Bureau of Development Services

Land Use Services

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date:September 5, 2012To:Interested PersonFrom:Mark Walhood, City Planner503-823-7806 / Mark.Walhood@portlandoregon.gov

## NOTICE OF A PUBLIC HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE:	LU 12-143673 DZ – Fulton Pump Station
Pre-App.:	PC # 11-135790
<b>REVIEW BY:</b>	Design Commission
WHEN:	Thursday October 4, 2012 @ 1:30pm
WHERE:	1900 SW Fourth Ave., Room 2500A
	Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Development has been proposed in your neighborhood requiring 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 are 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.

Applicant:	Benjamin Schonberger (503) 827-4422 / Winterbrook Planning 310 SW 4 <sup>th</sup> Ave., #1100 / Portland, OR 97204
Property Owner:	City of Portland Parks and Recreation / Attn.: Allan Schmidt 1120 SW 5th Ave., #1302 / Portland, OR 97204-1912
Operator:	Portland Water Bureau / Attn.: Dave Evonuk 1120 SW 5 <sup>th</sup> Ave., Room 600 / Portland, OR 97204
Site Address:	Willamette Park (east of SW Macadam Boulevard near terminus of SW Nevada Street)
Legal Description:	LOT A INC PT VAC STS LOT B&C, HANNAH MASONS ADD; BLOCK 6 LOT 1&3&5&7&9&11 TL 700, SOUTHERN PORTLAND; LOT 11-22 TL 300, SOUTHERN PORTLAND; TL 900 3.86 ACRES, SECTION 22 1S 1E
Tax Account No.:	R357100010, R780200240, R780208140, R991220400
State ID No.:	1S1E22A 00100, 1S1E15DC 00700, 1S1E15DC 00300, 1S1E22A 00900
Quarter Section:	3730, 3630
Neighborhood:	South Portland NA., contact Jim Davis at 503-248-9820.
<b>Business District:</b>	South Portland Business Association, contact Kevin Countryman at 503-750-2984.
<b>District Coalition:</b>	Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
	1000 SW 4th Avenue Suite # 5000 Portland OP 07201

Zoning:	<b>OSdqr</b> (Open Space base zone with Design, Greenway/River Water Quality and Greenway/River Recreational overlay zones), <b>Macadam Plan District</b>
Case Type:	DZ (Design Review)
Procedure:	<b>Type III</b> , with a public hearing before the Design Commission. The decision
	of the Design Commission can be appealed to City Council.

**Proposal:** The proposal involves the construction of a new pump station facility along the western boundary of Willamette Park. The building will contain public restrooms and storage areas for the adjacent park uses. The project includes improvements to circulation and landscaping around the building in addition to the building itself. NOTE: The larger project in the park, including overall park upgrades to the greenway trail, park landscaping, vehicle areas, and bicycle parking, as well as the necessary Zoning Map Amendment and Conditional Use Reviews required for the project, are being reviewed through a separate land use case. This separate case, LU 12-145519 CU ZC GW AD, will be going to a hearing before the Hearings Officer later in October. Approval of both the Design Review and the requests in this separate case are necessary for the project to move forward.

The existing Fulton Pump Station, which is located at 0540 SW Nevada Street, just west of SW Macadam Boulevard, is one of two pumping stations that supply drinking water to the majority of SW Portland. After 100 years of service and several upgrades between 1918 and 1960, the old Fulton Pump Station needs replacement. After a public involvement process, the Portland Water Bureau, in coordination with Portland Parks and Recreation, settled on the proposed site at the west edge of Willamette Park, near the terminus of SW Nevada Street.

The pump station building will be a cast-in-place concrete structure of 9,600 square feet in two stories, with a building height of approximately 28'-0". The ground floor of the building will include four public restrooms, storage for Parks uses, large diameter suction and discharge piping, storage for Water Bureau uses, and an enclosed loading area accessible by a garage door. The second story of the building contains the large room housing six electric water pumps, an electrical room, a mechanical room, and a room with a hatch to the ground floor loading area. The pumps and other electrical equipment are on the second floor of the building because they must be elevated above the 100-year flood plain, which is approximately 11 feet above the natural grade at this location.

Exterior materials for the building include rough stained concrete on lower portions, smooth stained concrete on the upper portions, clear and translucent/spandrel glass which has been designed to be 'bird friendly', and metal louver panels and doors. The majority of the roof surface, including an angled shed roof facing the park above the restrooms, will be provided with a vegetated eco-roof. Other features of the building include an interpretive diagram on the easterly building wall, building signage letters, and metal gutters, flashing, and safety railings for an elevated egress stair at the rear/southwest corner of the building. The restroom area is on the east face of the building, oriented to a reconfigured pedestrian walkway into the park from SW Nevada Street, and two interpretive panels are proposed adjacent to the restroom doors. The loading bay access door also faces east on the building, towards a relocated park circulation road. A rounded basalt retaining wall extends out from the building just south of the restrooms, and the area would be provided with five new bike racks and a drinking fountain.

Because the site is located in a Design overlay zone in the Macadam plan district, and with a project valuation of \$9,000,000.00, a Type III Design Review is required.

## **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 the *Macadam Corridor Design Guidelines*.

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 May 23, 2012 and determined to be complete on August 17, 2012.

### **DECISION MAKING PROCESS**

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at <u>www.portlandonline.com</u>. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at http://www.portlandonline.com/auditor/index.cfm?c=28197

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Design Commission will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Design Commission decision and the evidence in the record compiled by the Design Commission in support of that decision.

To comment, you may write to the Bureau of Development Services, 1900 SW Fourth Ave., Suite 5000 or FAX your comments to 503-823-5630; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

Comments for a Design Review or Historic Design Review should be sent directly to the Planning staff listed in this document.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence. *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.

#### APPEAL PROCESS

You can appeal the Design Commission decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Design Commission decision. The City Council will consider legal arguments (for example arguments pointing out ways the Design Commission decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Design Commission findings are not supported by the evidence submitted to the Design Commission. However, the City Council will not accept or consider new evidence that was not submitted to the Design Commission.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

#### HEARING CANCELLATION

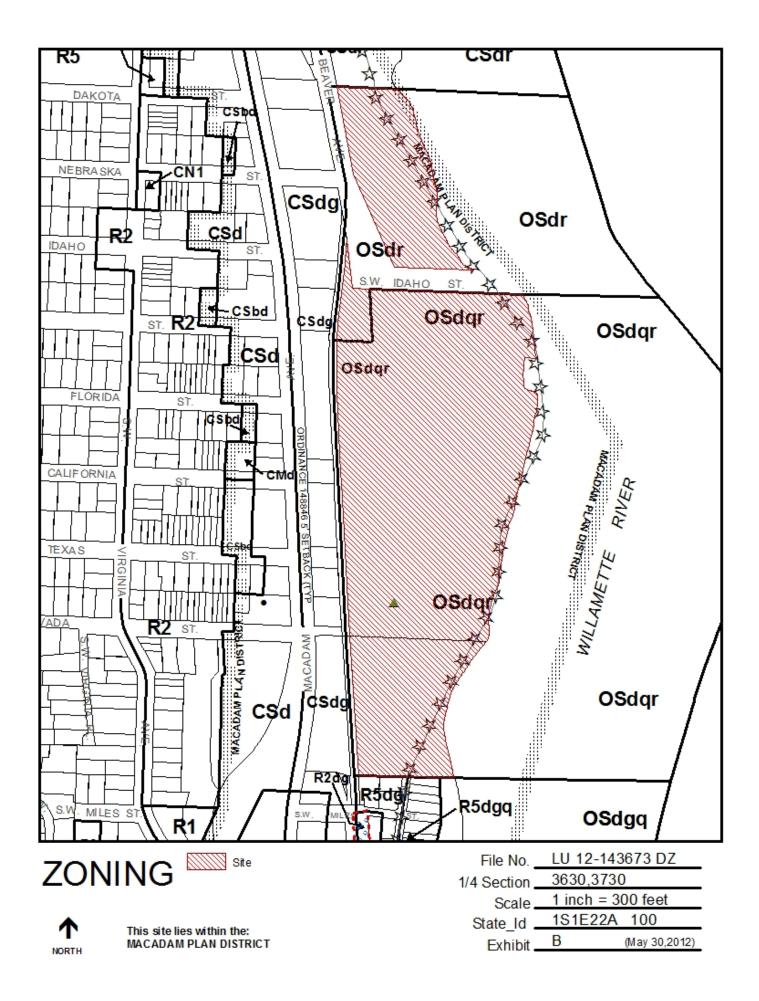
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

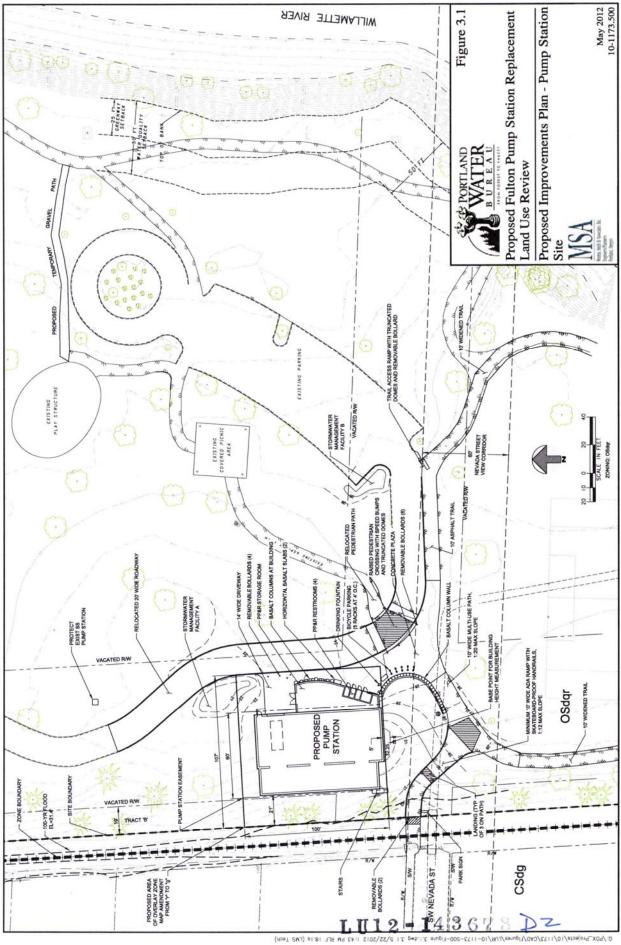
To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or <a href="http://www.trimet.org/schedule/allroute.htm">www.trimet.org/schedule/allroute.htm</a>) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

# 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 Landscape Plan Roof and Lighting Plan Elevations





<sup>5=</sup>p'|'5 G: /PDX\_Projects/10/1133/CAD/Figures/LUR/10-1133-500-Figure

