



City of Portland, Oregon Bureau of Development Services Land Use Services

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: May 10, 2010

To: Interested Person

From: Sheila Frugoli, Land Use Services

503-823-7817 / frugolis@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-112403 AD

GENERAL INFORMATION

Applicant: Jeff Hanks

City of Portland Bureau of Environmental Services

Columbia Blvd. Wastewater Treatment Plant

5001 N Columbia Bldv Portland, OR 97203

Representative: Susan Cunningham, Consultant

Vigil-Agrimis, Inc.

819 SE Morrison St. Suite 310

Portland OR 97212

Site Address: 1840 N JANTZEN AVE

Legal Description: TL 800 0.70 ACRES, SECTION 33 2N 1E

 Tax Account No.:
 R951330670

 State ID No.:
 2N1E33D 00800

Quarter Section: 1828

Neighborhood: Hayden Island, contact Roger Staver at 503-297-6601.

Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-

2892.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Zoning: CGx, General Commercial zone with the x, Portland International

Airport Noise Impact Zone

Plan District: Hayden Island

Case Type: AD, Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Adjustment

Committee.

Proposal: The City of Portland Bureau of Environmental Services is proposing to upgrade the existing Hayden Island Wastewater Pump Station by replacing all existing electrical, control, and telemetry components. New equipment will be located in a new 216 square-foot control building. The building will have a restroom to serve employees. A exterior enclosure area will contain a generator and other equipment. The existing gate and concrete ramp at the site's eastern entrance will be replaced and approximately 2,900 square feet of concrete will be installed to improve access to the pump station. Parking for two maintenance trucks will be located on the eastside of the building. A green roof will be installed on the new control building.

Through an Adjustment Review the applicant initially requested to waive the following two Zoning Code requirements: (1) at least 15 percent of the site area must be landscaped to meet the L1 standard and (2) a 6-foot wide hard surface walkway is required to connect the main entrance of the building to an adjacent street. After receiving comments from another BES section--Watershed Planning, the applicant revised the proposal. Rather than waive the required landscaping, the applicant is now requesting to reduce the requirement from 15 percent to 6.5 percent, with a 10 foot-wide landscaped area between the facility and N Jantzen Avenue.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are 33.805.040.A-F, Adjustments.

ANALYSIS

Site and Vicinity: The site has street access from a private drive that extends west from N. Jantzen Avenue. This street provide access to a secure parking area that serves the houseboat moorage located on the southside of Hayden Island. The site abuts the back of "big box" commercial stores located in the Jantzen Beach Shopping Center.

Zoning: The site is located within the CG, General Commercial zone and the Hayden Island Plan District. The x, Portland International Airport Noise Impact Zone also covers the site. The CG zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. The "x" overlay provides additional criteria to reduce the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The Hayden Island plan district preserves and enhances both the character and opportunities of the island. The pump station is classified as a Basic Utility (33.920.400). It is an allowed use in the CG zone.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 24, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division
- Site Development Section of BDS

The Bureau of Environmental Services responded with the following comment: The applicant has submitted a revised landscape plan that includes landscaping along the site's North Jantzen Avenue frontage that staff scaled out to approximately 7-8% of the site area, and three shore pines inside the chain link fence. These are in addition to the previously proposed ecoroof on the pump station control building, pervious asphalt over the access drive aisle, and gravel surfacing over other disturbed areas. The addition of the pines to the site landscaping

plan is significant, as mature trees play an important role in watershed health. The trees proposed to be installed in the southwest corner of the site will provide increasing functions such as stormwater absorption and habitat for native migratory songbirds as they grow to maturity. Therefore, BES Systems Development has no objection to the requested adjustments to minimum site landscaped area and to the requirement for a hard surface walkway. This is a BES project, therefore the Stormwater Management Manual standards shall be incorporated and Title 10, Title 17 and Title 24 standards and requirements shall be met. (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 24, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings:

Section 33.130.240, Pedestrian Standards The applicant is requesting to waive the pedestrian connection requirement from N. Jantzen Avenue to the entrance of the building that will house a sewer pump facility. The purpose statement for this regulation is as follows:

Pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

It is not feasible to install a pedestrian connection through the site to the building's entrance. Only occasionally, for monitoring or maintenance, will employees be at the site. Due to security and safety needs, the facility will be enclosed by a tall fence. No customers or visitors come to the site. Due to the limited activity at the facility, the requested Adjustment does not conflict with the purpose of the regulation. This criterion is met.

Section 33.130.225 Landscaped Area The applicant is requesting to reduce the required landscaping on the site from 15 to 6.5 percent. The purpose statement for this regulation is as follows:

Landscaping is required in some zones because it is attractive and it helps soften the effects of built and pave areas. It also helps in reducing stormwater runoff by providing a surface into

which stormwater can percolate. Landscaping is required for all commercially-zoned lands abutting R-zoned lands to provide buffering and promote livability of the residential lands.

The 30,429 square foot site is developed with a sewer pump facility control building and associated components. There is a paved driveway and the remainder of the site has a gravel surface. Rather than landscaping approximately 4,575 square feet of the site, the applicant proposes to install additional vegetative screening between the pump station facility and the adjacent private drive. Behind the landcape strip, a tall sight-obscuring fence will also be installed. The applicant proposes to install 20 Tall Oregon Grape and 21 Clustered Rose plants. When fully grown, both species will achieve a tall visual barrier. As groundcover, the applicant intends to plant 57 creeping Oregon grape. And three Shore Pine trees will be planted inside the fenced area between the proposed new pump station building and the street. Lastly, a green roof, with 70 square feet of live plants (groundcover), will be installed on the proposed new pump station building. The additional plants along the front of the site will provide visual enhancement between the public utility use and the houseboat moorage located on the south side of the private drive. The 10 foot-wide planter strip will provide a buffer and will provide some infiltration of stormwater from this large paved area. Further, a green roof will absorb most of the run-off that would normally shed off a standard roof.

In order to mitigate for the reduced landscape area and to address criterion E, a condition will require full implementation of the proposed landscaping and green roof plans. Through compliance with the condition, this approval criterion is met.

B. If in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: This site has access from N. Jantzen Avenue. A private drive, which provides driveway acess to an adjacent private houseboat moorage fronts the site. The site is located in the General Commercial (CG) zone. N. Jantzen is classified in the Transportation Element of the Comprehensive Plan as a local service street. Portland Bureau of Transportation reviewed the proposal for conformance with adopted transportation policies, Title 17, and Title 33 approval criteria, as well as conformance with street designations. The Transportation staff found no concerns with the requested adjustments.

The Zoning Code defines the term "desired character" as being based on the purpose statement of the base zone, and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The purpose and characteristics of the CG zone are described as follows:

The CG zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most new commercial areas. The zone allows a ful range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial areas. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

Pedestrian connection: The site is fenced with restricted acess for safety and security purposes. The pump station operates without staff on-site. Maintenace and operations staff only visit the site to verify that the pump is operating properly. They arrive at the site in maintenance trucks. No other customers or visitors come to the site. For these reasons, waiving the pedestrian connection requirement satisfies this approval criterion.

Landscaping area: The requested Adjustment to reduce the amount of total landscaped area is consistent with the street classification and the desired character of the area. The applicant

is proposing the installation of additional trees, shrubs and groundcover along the street frontage and to install a green roof on the new pump station. Even though the amount of landscaped area is under the required 15 percent, the planting scheme on the site will enhance this existing BES facility. This criterion is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two adjustments are being requested. As stated above, the CG zone is intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves. As found under criterion B, both individually and cumulatively, the effects of the requested adjustments will result in a project that is still consistent with the CG zone. This approval criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: In order to mitigate for the reduced landscape area, a condition will require full implementation of the proposed landscaping plans and installation of a green roof on the new pump station. Through compliance with the condition, this approval criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental zone. This criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

Based on findings of this report, the applicable approval criteria are met or will be met through compliance with conditions.

ADMINISTRATIVE DECISION

Approval of an Adjustment to: (1) waive the required 6-foot wide hard surface walkway, required to connect the main entrance of the building to an adjacent street (33.130.240.B) and (2) reduce the landscape area, from the required 15 percent to 6.5 percent of the site (33.130.225.B), per the approved plans, Exhibits C.1 and C.2, signed and dated May 6, 2010, subject to the following conditions:

A. As part of the building permit application submittal, All requirements of Condition B must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED per Case File LU 10-112403 AD."

B. The landscaping improvements must be completed in substantial conformance with the approved landscaping plan and green roof plan, Exhibits C.1 and C.2.

Staff Planner: Sheila Frugoli

Decision rendered by: _____ on May 6, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: May 10, 2010

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 18, 2010, and was determined to be complete on February 22, 2010.

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. Therefore this application was reviewed against the Zoning Code in effect on February 18, 2010.

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 waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 43 days (Exhibit A.2). Unless further extended by the applicant, **the120 days will expire on: August 4, 2010.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 24, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations

appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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 www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after May 25, 2010 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

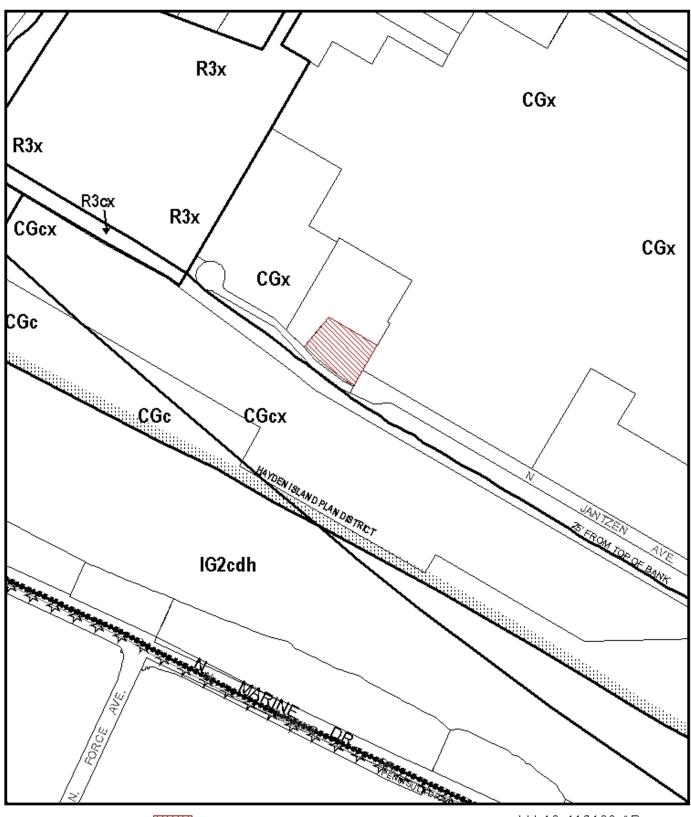
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description and Written Response to Approval Criteria
 - 2. Applicant's Request to Place Application On-Hold (Extend 120-Day Clock)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Site/Landscaping Plan, submitted April 30, 2010 (attached)
 - 2. Control Building and Enclosure ElevationsElevation, Green Roof Plan (attached)
 - 3. Demolition Site Plan
 - 4. Overall Site Piping Plan
 - 5. Site Improvement Plan
 - 6. East Entrance Plan and Section
 - 7. Erosion Control Plan
 - 8. Details
 - 9. Roof and Foundation Plan
 - 10. Control Building Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).







LU 10-112403 AD File No. 1828 1/4 Section. 1 inch = 300 feet Scale. 2N1E33D 800 State_Id В (Feb 19,2010) Exhibit.



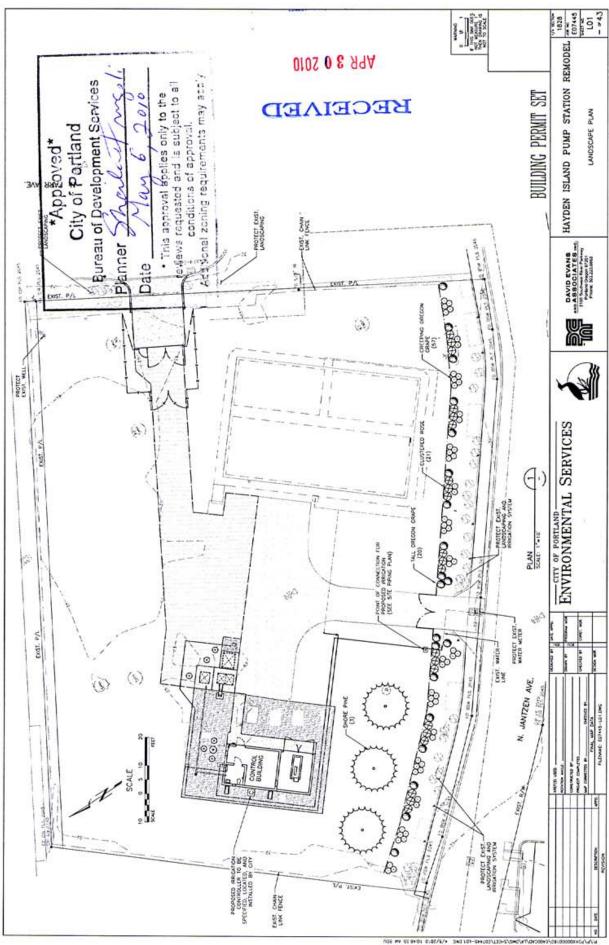


Exhibit C.I.a

APR 3 0 2010.

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THIS DRAWING IS FOR INFORMATION AND COORDINATION ONLY. THE LANDSCAPING AND IRRIGATION WORK WILL BE COMPLETED BY THE BUREAU OF PARKS AND RECREATION.



7 Rebert Mershall T. OREGON E.

- 043 LO2

HAYDEN ISLAND PUMP STATION REMODEL 1828 C07445

BUILDING PERMIT SET

LANDSCAPE DETAILS

Container of Portland *Approved* CONTAINER CONTAINER 8 & 8 - CAL 2 GAL 5. HT. Z GAL 3215 DUANTITY 57 5 50 COMMON NAME / BOTANICAL NAME Creeping Gregon Grape / Mahania Clustered Rose / Roso pisocorpo Pine / Pinus cantorta Grope / Tall Oregon 0 8 GROUNDCOVERS 0 SWALL TREES LOW SHRUBS TYPE

PLANT SCHEDULE

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Bureau of Bevelopment Semfes 22/2 Planner

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conditions of approval.

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EDGE OF PLANTING PIT

SOIL CONDITIONER, COARSE SAND, AND NATIVE SOIL MIX

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Additional zoning requirements may apply

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CONTAINER 6" MIN -WOUND FOR TEMPORARY WATER BASIN 2"

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NOT TO SCALE

ENVIRONMENTAL SERVICES

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OR OF CHANGE

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FINAL MAP DATA

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DESCRIPTION

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DAVID EVANS

AND ASSOCIATES INC.
2100 Southwart Perfero Compan 97201
Proper: 503,223 8665

C.1.b.

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2 TROUGH ON CRASSING DAMMERS SHALE OF PRINCED DAMMEN DAMMERS AND THE PROJECT PROJECT

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SMALL TREE
PLANTING
NOT TO SCALE

PLACE ROOTBALL ON SOLID SOIL

