



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

Carmen Rubio, Commissioner
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Date: June 14, 2023
To: Interested Person
From: Andrew Gulizia, Land Use Services
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**REVISED NOTICE OF A PUBLIC HEARING ON A
PROPOSAL IN YOUR NEIGHBORHOOD – NEW DATE**

CASE FILE: LU 22-185273 CU MS AD (PC # 22-155562)
REVIEW BY: Hearings Officer
WHEN: October 4, 2023, at 1:30 PM

This land use hearing will take place online using the Zoom platform. For instructions on how to participate online or by phone, or for contact information for the Hearings Office, please see the hearing participation instructions attached to this notice.

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 contact me if you have questions regarding this proposal.

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

Applicant: Suzannah Stanley, Mackenzie
1515 SW Water Ave., Ste. 100
Portland, OR 97214
(971) 346-3808
shs@mcknze.com

Owner/Applicant: Steven Smith, School District No 1 (Portland Public Schools)
PO Box 3107
Portland, OR 97208-3107

Site Address: 10625 SW 35th Ave.

Legal Description: TL 100 36.43 ACRES, SECTION 29 1S 1E; TL 200 0.97 ACRES, SECTION 29 1S 1E

Tax Account No.: R991290220, R991293930

State ID No.: 1S1E29C 00100, 1S1E29C 00200

Quarter Section: 4025

Neighborhood: West Portland Park, contact at wpp-board@swni.org

Business District: None

District Coalition: Office of Community & Civic Life, contact Leah Fisher at leah.fisher@portlandoregon.gov

- Plan District:** None
- Zoning:** OS/OSc – Open Space base zone with part of the site also within the Environmental Conservation (“c”) overlay zone
- Case Type:** CU MS AD – Conditional Use Master Plan Review and Adjustment Review
- 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 applicant proposes improvements to the athletic facilities on the Jackson Middle School campus. The proposed sports fields will be used for scheduled games, so the proposal is subject to Conditional Use Review (Zoning Code Section 33.279.025 and Zoning Code Chapter 33.910, definition of “organized sports”). The applicant requests approval of a Conditional Use Master Plan to allow the improvements to be phased over a maximum 10-year period (Zoning Code Sections 33.820.030.C and 33.820.060).

Two phases of improvements are proposed:

- Phase 1: Install synthetic turf on the existing baseball/softball/soccer field in the northwest part of the site. Two existing youth soccer fields to the west of this field will remain grass. New field lighting is proposed for the baseball/softball/soccer field, and the applicant proposes evening use of this field until as late as 10pm (with scheduled events ending at 9:30pm). Existing spectator seating around this field would remain, but no new spectator seating is proposed, and no voice amplification system is proposed. Phase 1 also includes a new 6-space parking lot and a new 9,825-square-foot building for storage and batting cages to the south of the improved sports field.
- Phase 2: Regrade two existing soccer fields in the southwest part of the site with natural turf or synthetic turf to accommodate overlapping softball and soccer fields. No field lights, spectator seating, or voice amplification equipment are proposed for this area. Phase 2 also includes two new tennis courts to the west of the new parking area and building from Phase 1.

The following Adjustments to Zoning Code requirements are requested:

- To waive the requirement for L3 (high screen) landscaping buffers in the following locations:
 - within 25 feet of the southern edge of the existing driveway and parking lot in the south part of the site; and
 - within 25 feet of the north side of the existing driveway to the north of the existing school building.

Without these Adjustments, the nonconforming upgrades standard would require this landscaping with building permits for the Conditional Use Master Plan projects (Zoning Code Section 33.258.070.D.2, Zoning Code Section 33.266.130.G.2.d.2).

- To increase the maximum structure height for 10 new field light poles proposed for the Phase 1 field in the northwest part of the site from 50 feet to between 60 feet and 90 feet (Zoning Code Section 33.100.200.B.1, Zoning Code Table 110-9).

Relevant Approval Criteria:

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

- Zoning Code Section 33.820.050.A-C (Conditional Use Master Plan Review)
- Zoning Code Section 33.805.040.A-F (Adjustment Review)

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

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 September 20, 2022 and determined to be complete on March 14, 2023.

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 at www.portlandoregon.gov/bds/35625 under the "Southwest Portland" heading.

If you are interested in viewing the file, please contact the planner listed on the front of this notice. The planner can provide information over the phone or via email. Only digital copies of the material in the file are available for viewing.

We are seeking your comments on this proposal. To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, FAX your comments to 503-823-4347, email your comments to HearingsOfficeClerks@portlandoregon.gov, or testify during the hearing. **Please see the enclosed insert for further information on how to testify.** 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. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services staff will be available during 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 Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

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

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. The 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 Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, 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.

Hearing Cancellation:

This public hearing may be canceled due to inclement weather or other emergency. Contact the Hearings Office at 503-823-7307 for immediate information regarding cancellations or

rescheduling. If canceled, the hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

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:

land use hearing participation information
zoning map
phase 1 site plan
phase 2 site plan
elevations for proposed new building
field lighting plan