



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

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www.portlandoregon.gov/bds

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL
ON A GREENWAY GOAL EXCEPTION AND
COMPREHENSIVE PLAN AMENDMENT**

CASE FILE: 19-160084 GE RR RV CP (Ankeny Pump Station Odor Control Facilities)
Hearings Office Case #4190018

WHEN: Wednesday, December 18, 2019 at 9:45 AM

WHERE: CITY COUNCIL CHAMBERS,
1221 SW FOURTH AVENUE

Date: November 12, 2019

To: Interested Person

From: Stacey Castleberry (primary contact), BDS Land Use Services, 503-823-7586
Rodney Jennings, BDS Land Use Services, 503-823-5088

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Greenway Goal Exception and Comprehensive Plan Amendment. On August 29, 2019, the Hearings Officer issued a recommendation of **approval** (with conditions) of the requested Greenway Goal Exception and Comprehensive Plan Amendment. Because this case includes a Comprehensive Plan Amendment, the City Council must make the final decision.

Copies of the zoning maps and site plans are attached. We are the BDS staff handling this case - please contact us with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

Applicant: Portland Bureau of Environmental Services
Attn: Chris Selker
5001 N Columbia Blvd
Portland, OR 97203
tel: (503) 823-2482
chris.selker@Portlandoregon.gov

Owner: City of Portland
1120 SW 5th Avenue, #1000
Portland, OR 97204-1912

Representative: Susan Cunningham, ESA
819 SE Morrison Street, #310
Portland OR 97214
tel: (503) 274-2010
scunningham@esassoc.com

Site Address: 30 SW NAITO PKY

Legal Description: BLOCK 1 TL 100, COUCHS ADD; BLOCK 1-3 TL 1300, COUCHS ADD; BLOCKS 1-3 TL 3600, COUCHS ADD; BLOCK 81 TL 3800, PORTLAND; BLOCK 82 TL 3700, PORTLAND

Tax Account No.: R180200010, R180200020, R180200014, R667708310, R667708320
State ID No.: 1N1E34DC 00100, 1N1E34DB 01300, 1N1E34DC 03600, 1N1E34DC 03800, 1N1E34DC 03700
Quarter Section: 3030

Neighborhood: Old Town Community Association, contact Peter Englander at vice-chair@pdxoldtown.org or Brian Harvey at planning@pdxoldtown.org.
Business District: Old Town Community Association, contact chair@PDXoldtown.org.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Old Town/Chinatown
Other Designations: Gov. Tom McCall Waterfront Park, Skidmore/Old Town Historic District, Burnside Bridge Historic Landmark.

Zoning: **OSd, e, g***--Open Space base zone, with Design, River Environmental, and River General overlay zones; Skidmore/Old Town Historic District
Case Type: **GE RR RV CP**—Greenway Goal Exception Reivew, with River Review, River Violation Review, and Comprehensive Plan Amendment.
Procedure: **Type III**, with a public hearing before the Hearings Officer and Portland City Council. The recommendation of the Hearings Officer will be heard by City Council who will issue the City's Decision.

Proposal: Two underground vaults to house the odor treatment system for the Ankeny Pump Station were constructed in 2008/2009 during the renovation of Tom McCall Waterfront Park for the Portland Saturday Market. The vaults were constructed within 50 feet of top of bank of the Willamette River (within the River Setback area). Although the park renovations received land use approval (LU 07-164835 HDZM GW), the vaults were not included and were installed as a “change-order” during construction of the approved park renovations. The vaults did not go through the City’s required land use review processes. In 2015, a water pipe broke inside the vaults causing them to flood. The odor treatment system has been out of service since this mechanical failure. The applicant, the City’s Bureau of Environmental Services, proposes to replace the equipment within the vaults to treat odors from the Ankeny Pump Station wet well and the Ankeny CSO shaft.

The project would replace the equipment inside of the Blower Vault and the Media Vault to bring the odor treatment system back on-line and to meet the City’s venting and odor control design for the Ankeny Pump Station and Ankeny CSO shaft.

The project includes the following work elements:

- Demolition of the existing equipment inside the Blower Vault. Equipment will be hoisted out via the access hatches by a truck and hauled away.
- Installation of a new blower, ventilation fans, sump pump, and associated electrical and controls inside the Blower Vault. Equipment will be lowered into the vault from a truck-mounted hoist.
- Removal of the media and equipment inside the Media Vault. Equipment will be hoisted out via the access hatches by a truck and hauled away.
- Enlargement of one access hatch in the Media Vault by 12 square feet to accommodate installation of the new odor treatment equipment (increasing the size from 4 feet by 6 feet to 6 feet by 6 feet). This will entail removing the grass and soil next to the existing hatch and saw-cutting around the existing hatch to enlarge the hatch and install a new panel. Approximately 80 square feet of ground will be disturbed and 3 cubic yards of material excavated. No trees or shrubs will be removed, only grass. The area of excavation is shown on the attached 2020 Proposed Development Site Plan.
- Installation of the odor treatment units, sump pump, ventilation ducting, and associated electrical and controls inside the Media Vault. Equipment will be lowered into the vault from a truck-mounted hoist.
- Site restoration – The only ground disturbance will be the enlargement of one access hatch. The disturbed area will be restored to existing conditions (existing grade and hydroseeded with turf grass).

The Willamette Greenway Plan is implemented in the Central City through the application of regulations found in Portland Zoning Code (PCC) Chapter 33.475, River Overlay Zones. The site lies within the City’s

River Environmental and River General overlay zones, and within the 50-foot River Setback along the Willamette River. Development within the River Environmental overlay zone must meet certain standards or must be approved through a discretionary River Review. Further, the River Overlay zoning regulations require that development within the 50-foot River Setback be either river-dependent or river-related (PCC 33.475.210 D. 2) or receive approval through a Greenway Goal Exception. The Ankeny Pump Station, as well as its appurtenances, is a Basic Utility use and basic utilities are not considered river-dependent nor river-related (PCC 33.910). The Zoning Code therefore requires approval of the vaults through a Greenway Goal Exception.

Additionally, the unpermitted construction of the odor treatment system within the River Environmental Overlay zone is a violation of the overlay zone and must be corrected by one of the three possible options outlined in Zoning Code section 33.475.450. The applicant proposes to correct the violation, and to enlarge the access hatch in the Media Vault by 12 square feet through River Review.

Lastly, Historic Resource Review is required for the above-grade surfaces and enclosures associated with the odor control system. Application for Historic Resource Review was accepted by BDS on October 25, 2019 as a separate land use review, under City file number 19-245390 HR. At the time of this notice the application for Historic Resource Review has not yet been deemed complete.

The Hearings Officer recommended conditional approval of the requested Greenway Goal Exception Review, River Review, River Violation Review, and Comprehensive Plan Amendment on August 29, 2019.

Conditions of approval require:

- A. Notation of the case number and any relevant conditions of approval on all future building permit applications at the site;
- B. Construction and erosion control fencing around work areas;
- C. Inspection of initial installation, and 2-year survival of required plantings by City inspectors;

Approval Criteria:

In order to be approved, the requested Goal Exception and River Reviews must demonstrate compliance with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

Greenway Goal Exception 33.850.040—Statewide Planning Goal Exceptions Approval Criteria, including:

- **OAR Division 4; 660-004-0022(6)**—State Goal Exception Approval Criteria
- **Comprehensive Plan Policy 1.10**--Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan.
- **33.840.200**—Portland Zoning Code Greenway Goal Exception Approval Criteria

River Review/ River Environmental Violation Review

- **33.865.100 A. 2**—River Review Approval Criteria
- **33.865.120**—Corrections to violations of the River Environmental Overlay Zone Standards

DECISION MAKING PROCESS

Review of the Case File: The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact support staff at 503-823-767 to schedule a time to review the file. 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 for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at www.ci.portland.or.us.

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval

criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. Written comments must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204.

APPEAL PROCESS

The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer Street NE, Suite 330, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or www.trimet.org/routes_times.htm) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

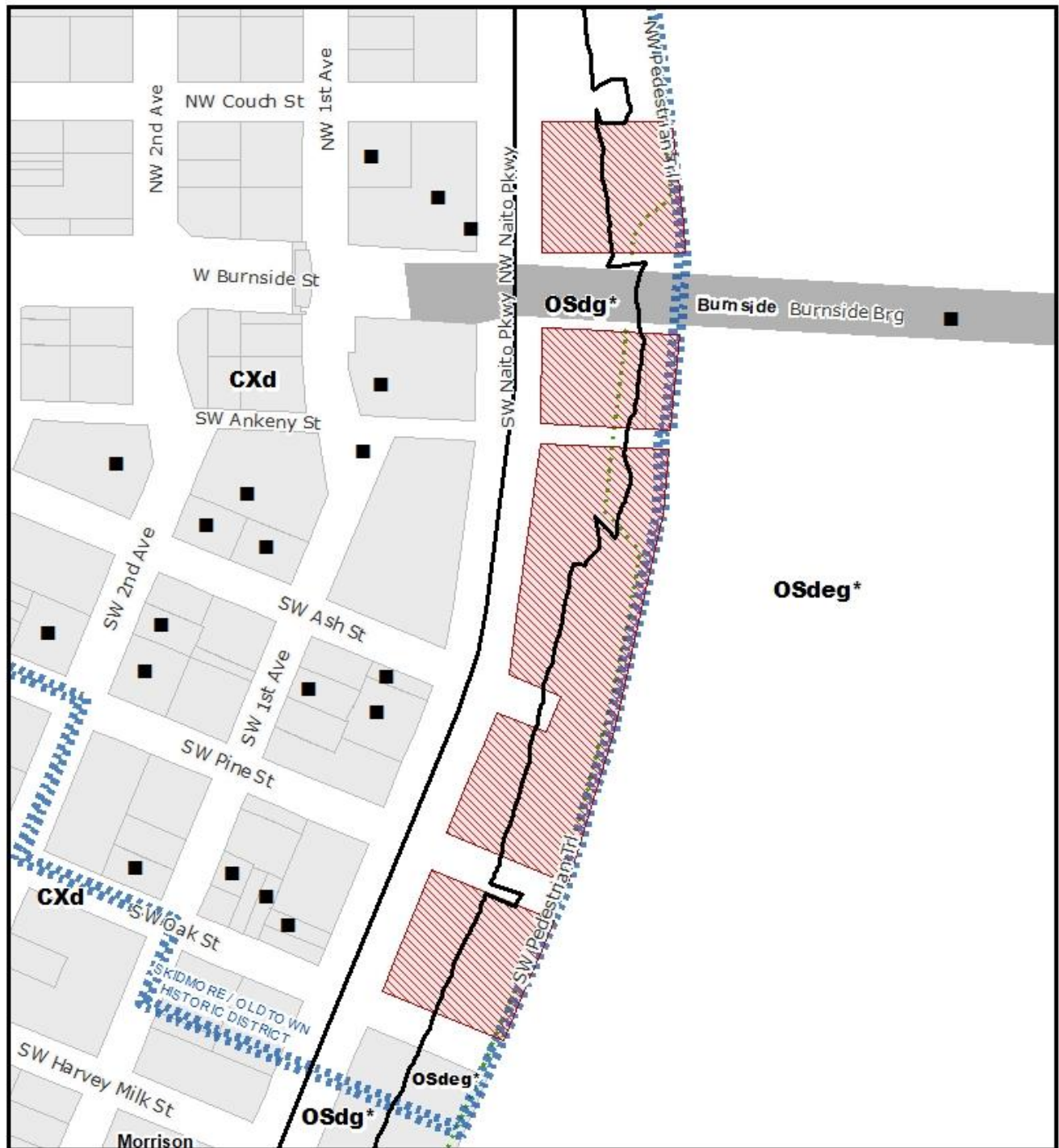
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map

Site Plans

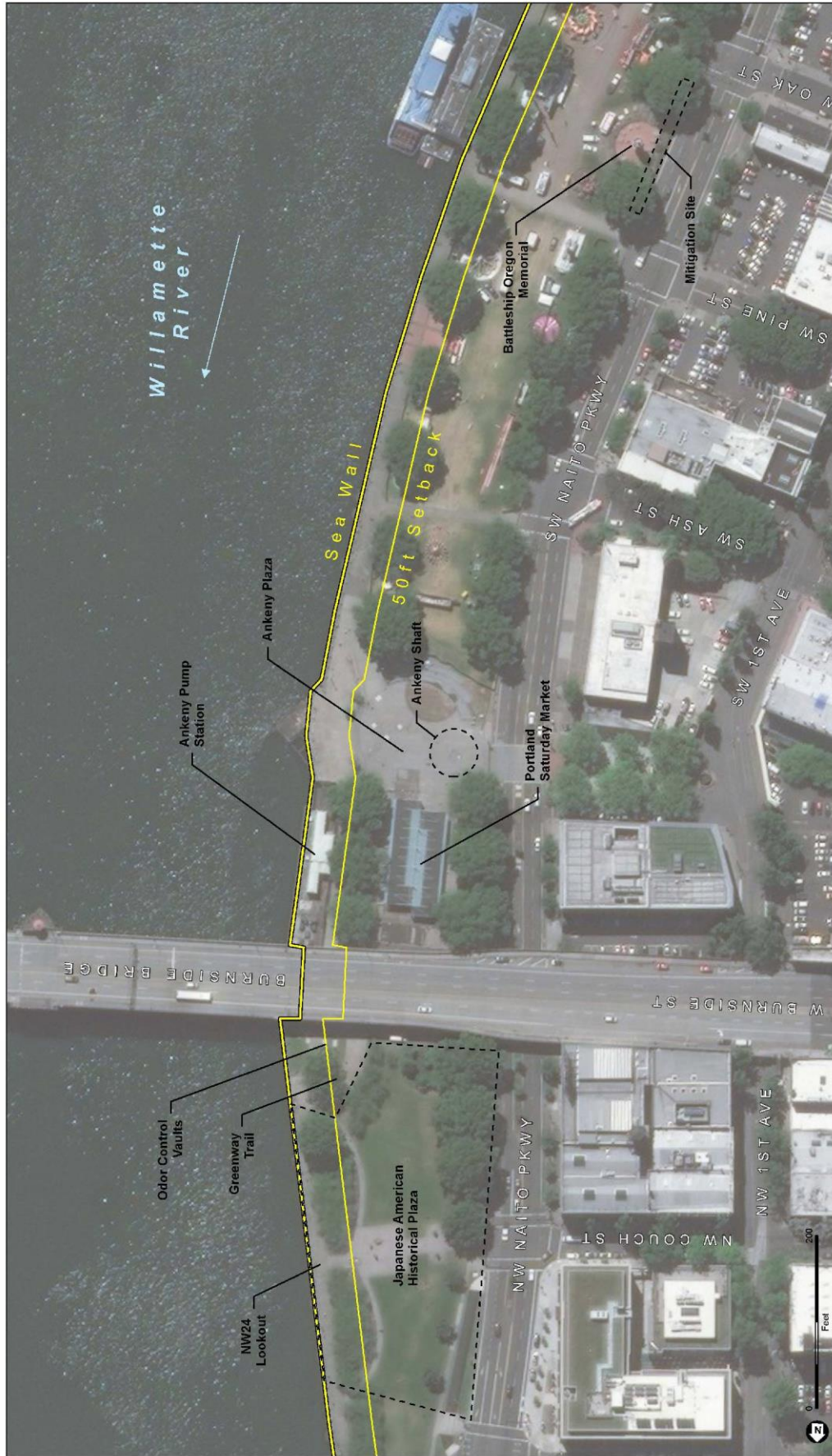
General Explanation for City Council Process For Evidentiary/De Novo Hearings



ZONING 
 CENTRAL CITY PLAN DISTRICT
 OLD TOWN / CHINATOWN SUB DISTRICT
 SKIDMORE / OLD TOWN HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19-160084 GE RR RV CP
1/4 Section	3030
Scale	1 inch = 200 feet
State ID	1N1E34DC 100
Exhibit	B Nov 08, 2019

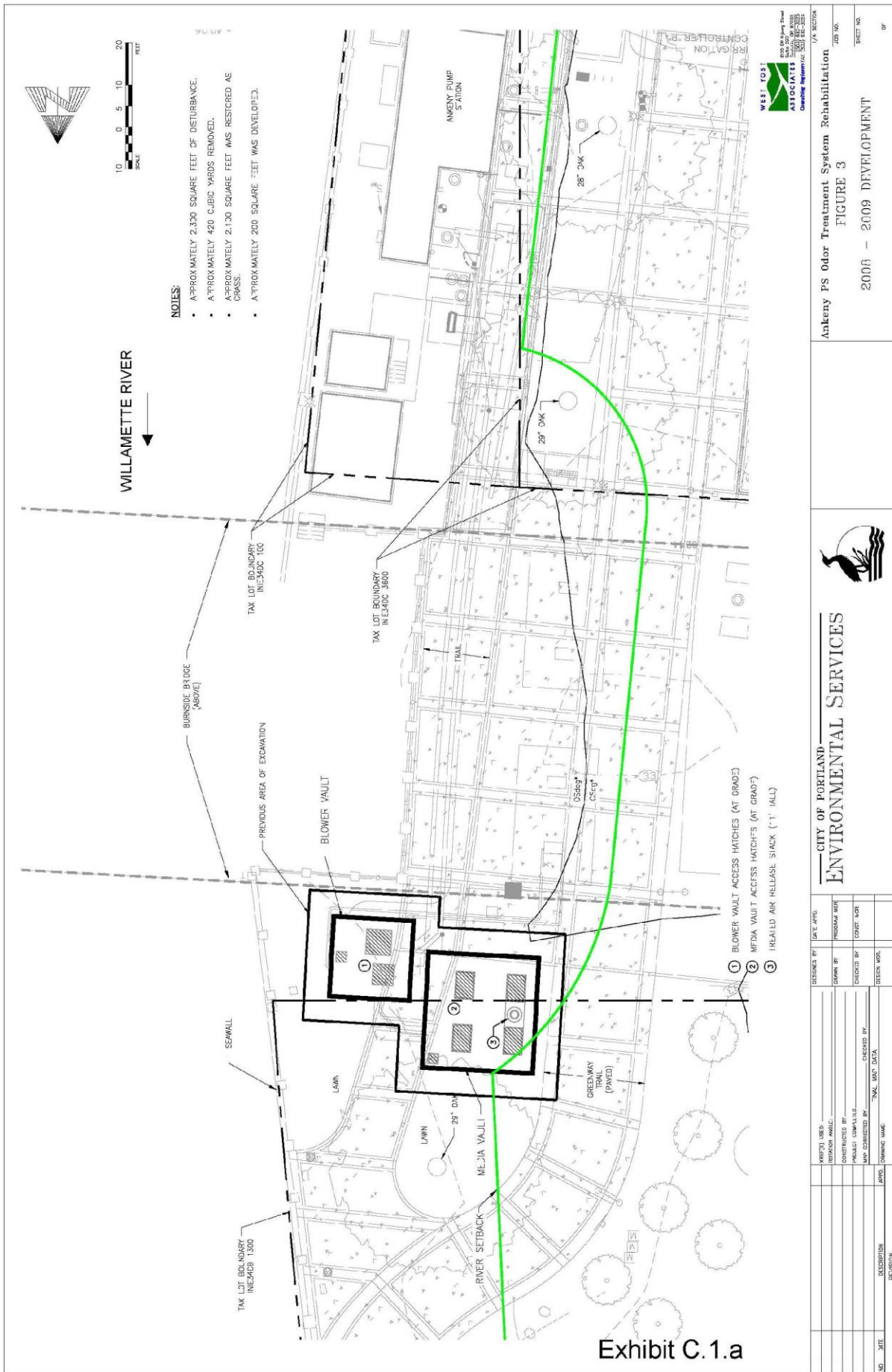


D170299.01 Ankeny PS Odor Treatment System Name

Figure 1
Overview and Location
Portland, OR

SOURCE: DigitalGlobe, 2017





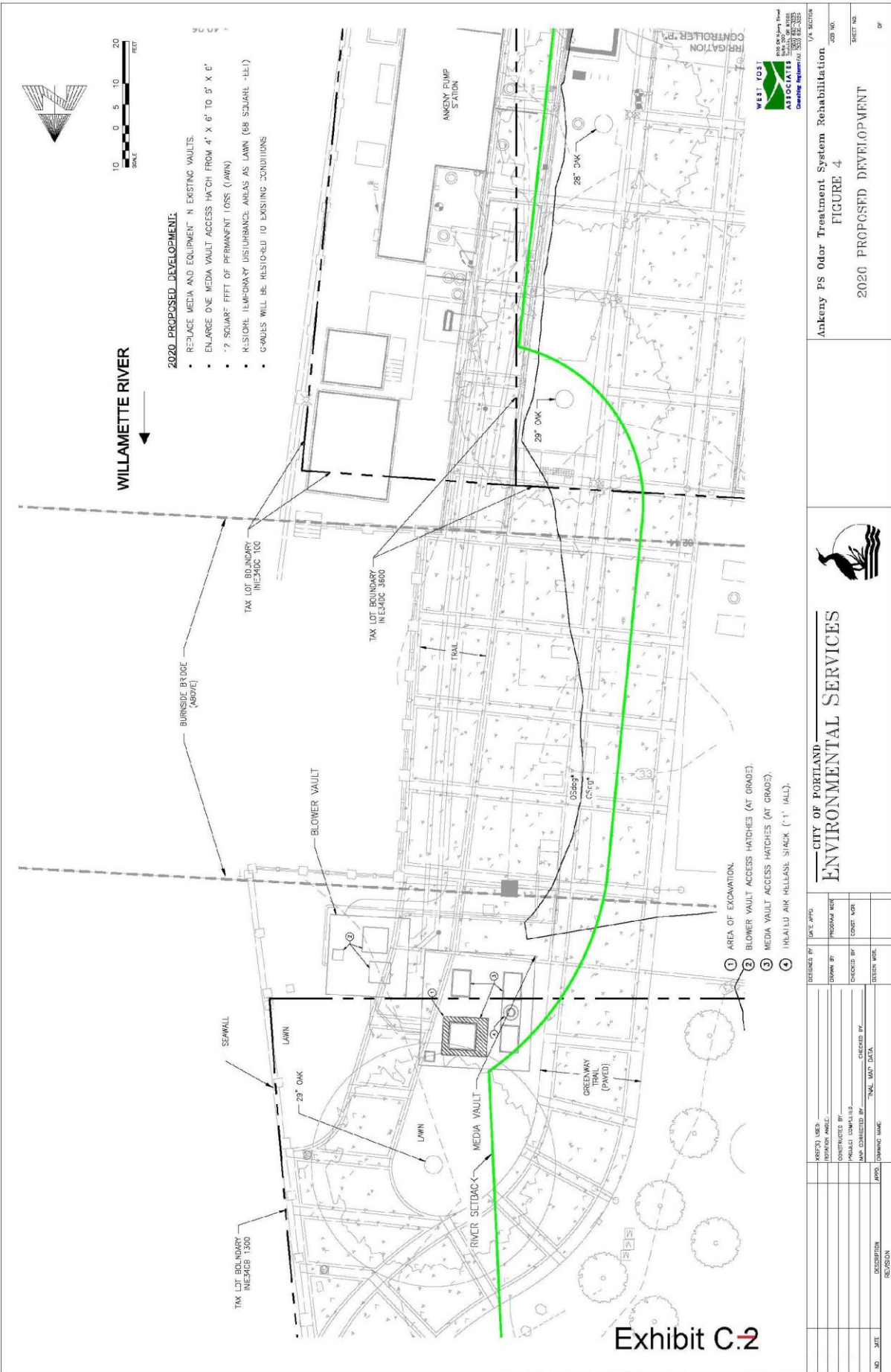


Exhibit C-2

**GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR
EVIDENTIARY/DE NOVO HEARINGS**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.