



Portland City Auditor

Hearings Office

1900 SW 4th Avenue, Room 3100, Portland, OR 97201

www.portlandoregon.gov/hearings

phone: 503.823.7307

fax: 503.823.4347



RECOMMENDATION OF THE HEARINGS OFFICER

File Number: LU 19-160084 GE RR RV CP (Hearings Office 4190018)

Applicant: Portland Bureau of Environmental Services
Attn: Chris Selker
5001 N Columbia Boulevard
Portland, OR 97203

Applicant's Representative: Susan Cunningham
ESA
819 SE Morrison Street #310
Portland, OR 97214

Property Owner: Portland Parks and Recreation
1120 SW 5th Avenue #1000
Portland, OR 97204-1912

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representatives: Stacey Castleberry and
Rodney Jennings

Site Address: 30 SW Naito Parkway

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 Number: R180200010, R180200020, R180200014, R667708310,
R667708320, R180200010, R667708320, R180200014,
R667708310, R180200020

State ID Number: 1N1E34DC 00100, 1N1E34DB 01300, 1N1E34DC 03600,
1N1E34DC 03800, 1N1E34DC 03700, 1N1E34DC 00100,
1N1E34DC 03700, 1N1E34DC 03600, 1N1E34DC 03800,
1N1E34DB 01300

Quarter Section: 3030

Neighborhood: Old Town Community Association

Business District: Old Town Community Association

District Neighborhood Coalition: Neighbors West/Northwest

Plan District: Central City – Old Town/Chinatown

Zoning: OSd, e, g*--Open Space base zone, with Design, River Environmental, and River General overlay zones; Skidmore/Old Town Historic District

Land Use Review: Type III, GE RR RV CP—Greenway Goal Exception Reivew, with River Review, River Violation Review, and Comprehensive Plan Amendment.

BDS Staff Recommendation to Hearings Officer: Approval with conditions.

Public Hearing: The hearing was opened at 8:30 a.m. on August 28, 2019, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:36 a.m. The record was closed at the end of the hearing.

Testified at the Hearing:

Stacey Castleberry
Rodney Jennings
Christine Selker
Susan Cunningham
Ae-young Lee
Sandra Burtzos

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. The Historic Resource Review will be processed as a

separate land use review after the Hearings Officer recommendation has been issued for the current Greenway Goal Exception and River Review (LU 19-160084 GE RR RV CP).

Relevant 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

Hearings Officer Recommendation: The Hearings Officer adopts and incorporates into this recommendation the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated August 16, 2019, and recommends the following approval:

Approval of a Statewide Planning Goal Exception and associated Comprehensive Plan Amendment, River Violation Review, and River Review to authorize the construction of, and repair or replacement of, odor treatment equipment and vaults and appurtenances associated with the Ankeny Pump Station within the River Setback area, including:

- Construction of the original underground odor treatment system vaults within Tom McCall Waterfront Park and within the River Setback area;
- Demolition and removal of existing equipment inside the Blower Vault;
- Installation of a new blower, ventilation fans, sump pump, and associated electrical and controls inside the Blower Vault;
- Removal of the media and equipment inside the Media Vault;
- Enlargement of one access hatch in the Media Vault by 12 square feet to accommodate installation of the new odor treatment; and
- Installation of the odor treatment units, sump pump, ventilation ducting, and associated electrical and controls inside the Media Vault;

all within the River overlay zones, and in substantial conformance with Exhibits C.1.a, C.2, C.3,

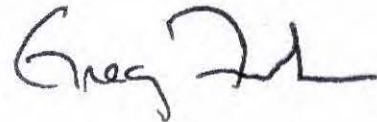
C.4, and C.6. Approval is recommended subject to the following conditions:

- A. A Bureau of Development Services Zoning Permit is required for inspection of required mitigation plantings, and a separate Bureau of Development Services construction permit may be required for development. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 19-160084 GE RV RR CP Exhibits C.1.a, C.2, C.3, C.4, and C.6."*** Building permits shall not be issued until a Bureau of Development Services Zoning Permit is issued. Building permits shall not be finalized until the Bureau of Development Services Zoning Permit for inspection of mitigation plantings required in Condition C below is finalized.
- B. Temporary, 4-foot high, bright orange construction fencing shall be placed along the Limits of Work line, depicted on Exhibit C.3 Site Access/Work Limits plan, but so as not to block the Greenway Trail, to separate approved construction areas from areas to remain undisturbed.
 1. Any measures provided for sediment control shall be placed inside of the approved "Limits of Work line," delineated by the temporary construction fence.
 2. No mechanized construction vehicles are permitted outside of the approved "Limits of Work line" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Work line, shall be conducted using hand held equipment.
- C. The applicant shall obtain a Bureau of Development Services Zoning Permit for approval and inspection of a mitigation plan for a total of two trees, 529 shrubs, 108 ferns, and 623 ground covers, in substantial conformance with Exhibit C.4 Mitigation Planting Plan. Any plant substitutions shall be selected from the *Portland Plant List* and shall be substantially equivalent in size to the original plant.
 1. Permit plans:
 - a. Exhibit C.4 Mitigation Planting Plan shall be included with permit plans.
 - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the Bureau of Development Services inspector for an on-site inspection.
 2. Plantings shall be installed between October 1 and March 31 (the planting season).
 3. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
 4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and finalize the Bureau of Development Services Zoning Permit.
 5. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the

applicant shall arrange to accompany the Bureau of Development Services inspector to the site to locate mitigation plantings for inspection. If tape is used, it shall be a contrasting color that is easily seen and identified.

- D. **The land owner shall maintain the required plantings** to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, the landowner shall:
1. Obtain a Zoning Permit for a finalized inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the Bureau of Development Services inspector to the site to locate mitigation plantings for inspection. The permit must be finalized no later than two years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
 2. All required landscaping shall be continuously maintained, by the land owner in a healthy manner, with no more than 15 percent cover by invasive species. Required plants that die shall be replaced in kind.
- E. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and/or enforcement of these conditions in any manner authorized by law.

Basis for the Recommendation: Bureau of Development Services Staff Report in LU 19-160084 GE RR RV CP, Exhibits A.1 through H.10, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

August 29, 2019
Date

Application Determined Complete:	July 2, 2019
Report to Hearings Officer:	August 16, 2019
Recommendation Mailed:	August 29, 2019

Conditions of Approval. 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.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions, contact the Bureau of Development Services representative listed in this Recommendation (503-823-7586).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

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

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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 Statements
 - 1. Applicant's Original Narrative of May 3, 2019
 - 2. Applicant's Original Plan Set of May 3, 2019
 - 3. a. Basis of Design Memo, November 27, 2018
 - b. ALS Environmental Air Sample Tests, May 24, 2018
 - c. ALS Environmental Air Sample Tests, August 23, 2018
 - 4. Public Involvement Plan, February 25, 2018
 - 5. Ankeny Pump Station Odor Control System Siting Memo, April 26, 2019
 - 6. 120-day waiver
 - 7. Applicant's Narrative Response to incompleteness issues, July 1, 2019
- B. Zoning Map
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Overview and Location Plan
 - a. 2008 -2009 Development Plan
 - 1. 2020 Proposed Development Plan
 - 2. Site Access and Work Limits plan
 - 3. Mitigation Planting Plan
 - 4. Conditions Prior to 2007
 - 5. Vault Plan & Section
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- F. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. BDS Life Safety
 - 8. Oregon Department of Land Conservation and Development
- F. Letters: None received.
- G. Other

1. Original LUR Application
 2. Pre-Application Conference Summary Notes
 3. BDS Letter of Incompleteness
- H. Received in the Hearings Office
1. Hearing Notice - Castleberry, Stacey
 2. Staff Report and Recommendation to the Hearings Officer – Castleberry, Stacey
(attached)
 3. PowerPoint presentation printout - Castleberry, Stacey
 4. 8/15/19 Email, Ae-young Lee to Castleberry/Jennings - Castleberry, Stacey
 5. Emails - Castleberry, Stacey
 6. Emails - Castleberry, Stacey
 7. Emails - Castleberry, Stacey
 8. 8/27/19 Memo from Castleberry/Jennings - Castleberry, Stacey
 9. 8/27/19 Memo - Lee, Ae-young
 10. Record Closing Information - Hearings Office



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 19-160084 GE RR RV CP
PC # 18-229120

REC'D HEARINGS OFFIC
FR AUG16'19PM1:39

REVIEW BY: Hearings Officer

WHEN: August 28, 2019 at 8:30 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES: STACEY CASTLEBERRY/
STACEY.CASTLEBERRY@PORTLANDOREGON.GOV
RODNEY JENNINGS / RODNEY.JENNINGS@PORTLANDOREGON.GOV

GENERAL INFORMATION

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: Portland Parks and Recreation
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

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BLOCKS 1-3 TL 3600, COUCHS ADD; BLOCK 81 TL 3800, PORTLAND;
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03800, 1N1E34DC 03700, 1N1E34DC 00100, 1N1E34DC 03700,
1N1E34DC 03600, 1N1E34DC 03800, 1N1E34DB 01300

Quarter Section: 3030

Neighborhood:	Old Town Community Association, contact Peter Englander at treasurer@oldtownchinatown.org , or Brian Harvey at planning@pdxoldtown.org
Business District:	Old Town Community Association, contact chair@oldtownchinatown.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.

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Lastly, Historic Resource Review is required for the above-grade surfaces and enclosures associated with the odor control system. The Historic Resource Review will be processed as a separate land use review after the Hearings Officer recommendation has been issued for the current Greenway Goal Exception and River Review (LU 19-160084 GE RR RV CP).

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:

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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

ANALYSIS

Site and Vicinity: The project area for construction of the odor control vaults lies on the west bank of the Willamette River within Tom McCall Waterfront Park in downtown Portland adjacent to the Burnside Bridge. The more specific location of the vaults is immediately south of the Japanese American Historical Plaza and on the north side of the Burnside Bridge. In this area a seawall extends along the west bank of the river from the Steel Bridge to the Hawthorne Bridge, for approximately 1 mile. All along this stretch, the west bank of the river is developed as Waterfront Park. Because of the seawall, the project site is outside of the 100-year floodplain and floodway as designated by the Federal Emergency Management Agency (FEMA).

The vaults are north of the Burnside Bridge, and partially with the bridge right-of-way. North and west of the site is the Japanese American Historical Plaza designed by Robert Murase. The area south of the vaults (under the Burnside Bridge) is paved. The access hatches to the vaults are in lawn areas adjacent to the paved Waterfront Park Trail (Greenway Trail), which crosses the level site in multiple alignments, running parallel to the river.

The two existing underground vaults for the odor treatment system were installed in Tom McCall Waterfront Park between two segments of the Waterfront Park Trail and within 50 feet of the Willamette River. Portions of the two vaults extend under the trail. The Blower Vault (18 feet by 18 feet) covers approximately 324 square feet; and the Media Vault (25 feet by 27 feet), approximately 675 square feet. Much of the site is paved trail or level ornamental lawn. Several oak trees line the perimeter of the site but are outside of the work area.

Tom McCall Waterfront Park is heavily used by Portland citizens in this area. The Portland Saturday Market, the Japanese American Historical Plaza, the Waterfront Park Trail, and nearby Skidmore Fountain and the MAX Station all draw hundreds of visitors to this site throughout the year. Surrounding areas in downtown Portland are heavily developed with commercial and office uses, as well as the Portland Fire Station just southwest of the site.



(Left) At-grade hatches of the Blower Vault. Willamette River and seawall in the background.



(Right) Access hatches of Media Vault and treated air release stack. Greenway Trail in the background.

Zoning: The site is zoned with the Open Space (OS) base zone and the Design (d), River General (g*) and River Environmental (e) overlay zones (see zoning on Exhibit B). The site is also located within the Central City Plan District and is mapped within the Skidmore/Old Town Historic District.

The Open Space base zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas. Zoning Code Section 33.100.100 B. 5. c lists the Basic Utility use category as a conditional use. The existing Ankeny Pump Station has Automatic Conditional Use Status, since it was established prior to the current zoning regulations for the site (EA 01-000265 PC; Zoning Code Section 33.815.030). Further, no new uses are proposed within the OS zone; and the proposed work does not increase either floor area or exterior improvement area by more than 1,500 square feet and does not require conditional use review (33.815.040 B. 1. c and d). Therefore, the OS provisions are not specifically addressed through this land use review.

The Design overlay zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. This project would be exempt from Design Review according to Zoning Code Section 33.420.045.A.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

The Historic Resource Protection overlay zone: The site lies within the Skidmore/Old Town Historic District. The Historic Resource Protection regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. Historic Resource Review is required for the proposed air stacks and will occur subsequent to the Hearings Officer Recommendation for the current land use review.

The River overlay zones generally promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, and recreational qualities of lands along the central reach of the Willamette River. This purpose is achieved by applying regulations that control development of land, change of use and intensification of use. The regulations reflect the desired character of the central reach of the Willamette River — a character that includes:

- A healthy river and watershed;
- A thriving riverfront with regional gathering spaces, active and passive recreational uses, maritime and commercial activities, and a welcoming mixed-use community; and
- Access to, along and in the river.

The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront. The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The purpose of this land use review is to demonstrate compliance with the regulations of the River overlay zones.

Environmental Resources: The River Environmental overlay zone applies to specific natural resource areas identified in a detailed study titled *Willamette River Central Reach Natural Resources Protection Plan* (July 9, 2018) (NRPP). This site is mapped within Inventory Site WR15 – River District. Site WR15 is generally described as a mix of primarily residential and commercial uses. Along the Willamette River, there are newly-developed, multi-family residential, condominiums with some surrounding vegetation. As a result of development, most of the connections between the few remaining pockets of forested upland habitat and the river bank have been eliminated. The shoreline is defined by banks of vegetated and non-vegetated riprap, unclassified fill and seawall. There are rail lines and four bridges within the River District site.

Environmental resources are listed for the overall River District site (Site WR15) as:

- Open water – The River District site includes 107 acres of the Lower Willamette River. The river is the primary habitat linkage providing connectivity to upstream and downstream aquatic habitats. This linkage is critical for supporting salmonids, migrating birds, and other species, although active dredging has created a uniform channel with little diversity.
- Shallow water habitat – Although limited to very small pockets, nearshore, undeveloped shallow water habitats still exist in several areas along the river bank. There are three notable shallow water habitats in the River District: (1) Terminal 1 South, (2) Centennial Mills, and (3) McCormick Pier.
- River bank – The shoreline is defined by banks of vegetated and non-vegetated riprap, unclassified fill, and seawall.
- Floodplain – The Willamette River and associated floodplain and riparian areas in the River District have been significantly reduced in extent, simplified, and degraded over time. The

flood area is generally confined to the Willamette River itself, but the flood area extends onto developed and vacant lands between the Fremont and Broadway bridges.

- Riparian vegetation – Due to extensive development, armored river banks, and limited remnant riparian vegetation, wildlife use is limited in the River District. There are some riparian trees just south of the Fremont Bridge, near the Tanner Creek outfall. Low-structure vegetation and a few trees exist south of the Steel Bridge in the north portion of Willamette Park.

Resources at the project site itself are extremely limited due to the existing sea wall fronting the river along Waterfront Park. They are as follows:

- Open water: The Willamette River is outside of the project site and separated from it by the seawall.
- Shallow water habitat: Due to the existing seawall, there is no shallow water habitat at the project site. The project site is not near any of the three notable shallow water habitats identified in the River District.
- River bank: The shoreline is a seawall.
- Floodplain: The project site is not within the 100-year floodplain and is not indicated in the NRPP as an area of flooding.
- Riparian vegetation: Waterfront Park to north, south and west of the vaults site, including the Japanese American Historical Plaza, is characterized by open maintained lawn and a few mature trees. Riparian vegetation is not present on or near the project site.

Land Use History: City records indicate that prior land use actions include:

- LU 07-164835 HDZM GW – Historic Design and Greenway review approval from the Historic Landmarks Commission for improvements and new construction in and around Ankeny Plaza, Waterfront Park, and the western elevated approach to the Burnside Bridge.

Summary of Applicant's Statement: The proposed project is to 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. Restoring the odor treatment system will be a significant public benefit, given the proximity of the Ankeny CSO shaft and Ankeny Pump Station to the Portland Saturday Market, Greenway Trail, and Waterfront Park.

Agency Review: A *Request for Response* was mailed **July 15, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services;
- Portland Parks & Recreation Department of Urban Forestry;
- BDS Life Safety;
- Portland Water Bureau;
- Bureau of Transportation Engineering; and
- Portland Fire Bureau.

Neighborhood Review: A *Notice of a Public Hearing on a Proposal in Your Neighborhood* was mailed August 7, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.850.040 Statewide Planning Goal Exceptions Approval Criteria:

A Statewide Planning Goal exception will be approved if it is found that the proposal meets State and any additional City approval criteria for the specific goal exception. The approval criteria are included in the appropriate chapters containing regulations which can be modified through a Statewide Planning Goal exception.

Greenway Goal Exception: As described above, the Ankeny Pump Station odor treatment system vaults are within the River setback and are neither river-dependent nor river-related. Zoning Code Section 33.840.040 requires approval of a Statewide Goal Exception for non-river related or river-dependent development within or riverward of the Greenway setback. To be approved a Goal Exception must:

1. meet the state criteria for the specific goal exception;
2. be consistent with the city's Comprehensive Plan; and
3. meet the City's criteria of the specific goal exception (per Zoning Code Chapter 33.850).

The following summarizes the relevant approval criteria and guidance contained in these regulations, followed by findings describing how the requested Goal Exception is consistent with the relevant regulations.

1) OAR Division 4; 660-004-0022(6)--State Goal Exception Approval Criteria

The state approval criteria for a goal exception are found in OAR Division 4; 660-0040-0022(6) State Goal Exception Criteria.

Statewide Planning Goal 15 Willamette River Greenway Section C.3.k requires a setback line to be established to keep structures separated from the river in order to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in the Greenway inventories. The setback line shall not apply to river-related or river-dependent uses.

OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c). An exception Under Goal 2, Part II (c) can be taken for any use allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:

(a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;

Findings: The values of the Greenway are listed in Goal 15 as, "...the natural, scenic, historic, agricultural, economic, and recreational qualities of lands along the Willamette River..."

Natural values: The project site is in Waterfront Park, a recreational section of the Willamette Greenway that is actively managed by Portland Parks & Recreation. No native habitat, plants, or features occur on site. The two below-grade vaults are partially under maintained lawn and partially under paved pedestrian pathways. East of the vaults are the seawall and the Willamette River. North and west of the project site is the Japanese American Historical Plaza. South of the vaults is the paved area under the Burnside Bridge.

Construction of the vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet within the Greenway setback. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently replanted. Total impacts to landscaping included replacing 183 square feet of lawn with the access hatches and treated air release stack.

The proposed project to rehabilitate the odor treatment system will enlarge one access hatch of the Media Vault with a similar but slightly larger hatch. Increasing the access hatch size from 4 feet

by 6 feet to 6 feet by 6 feet will result in a loss of 12 square feet of lawn. No other vegetation will be impacted.

Combined, the initial construction of the vaults and the proposed new improvements will result in the conversion of a total of 195 square feet of lawn to access hatches. After construction of the vaults in 2008/2009, the site was restored to existing conditions and the lawn was replaced (with the exception of 183 square feet). BES will also restore the area disturbed for enlarging the access hatch. This area will be restored to ornamental lawn following construction. Additional mitigation includes 3,700 square feet of native plantings at the Battleship Oregon Memorial.

When considering the nature of the disturbed areas (lawn), the small footprint of impacts, and the completed and proposed mitigation, the impacts to the natural environment are not significant. There will be no permanent adverse effect on the natural values of the Greenway or on adjacent land/water.

Scenic values: The Comprehensive Plan outlines requirements for protecting scenic resources through the *Central City Scenic Resources Protection Plan (July 9, 2018)*. According to the plan, the closest designated viewpoint is CCNW 24, on the seawall along the Greenway Trail at NW Couch Street. The focal features are the Willamette River, Steel Bridge, Burnside Bridge, Convention Center spires and Lloyd District. The recommendation for this viewpoint is to "allow conflicting structures and limit conflicting vegetation within view corridors to primary focal features." (page 91 *Central City Scenic Resources Protection Plan ESEE*). However, CCNW24 is located along the seawall such that there are no conflicting uses (structures or vegetation) that could block the view of the Willamette River, Steel Bridge, or Convention Center spires. Therefore, conflicting uses should be limited within the view but not prohibited.

The project site is south of the viewpoint and west of the Willamette River, in a heavily developed area dominated by the Burnside Bridge. The existing vault hatches are at ground level, do not obstruct views, and blend into the already heavily developed surrounding area. The only above-grade structure is the treated air release stack. The release stack does not obstruct the view of the Willamette River. The stainless steel design of the exhaust vent was intended to match the stainless steel siding of the Ankeny Pump Station.

Since the vaults are below-ground and no views will be obstructed by the project, the project will not have an adverse effect on Greenway scenic values.

Historic Values: The odor treatment vaults are within the Skidmore/Old Town Historic District, which is nationally significant for its association with the initial phase of commercial development in Portland. In addition to being listed on the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only 16 in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth through the early twentieth century. The district is recognized architecturally for its cast-iron façades and its rich blend of late nineteenth-century/early twentieth-century commercial architectural styles. The odor treatment vaults are in a location along the Willamette River bank that has been significantly altered since the end of the district's historic period. The buildings that formerly lined the east side of Front Street (analogous to Naito Parkway today) were removed to accommodate construction of the Harbor Freeway in the 1950s, which was subsequently replaced with Waterfront Park. The vaults are also close to the Burnside Bridge, which is also listed on the National Register of Historic Places.

The treated air release stack and access hatches are small-scale site features that are located in a portion of the Skidmore/Old Town Historic District which has been substantially altered and retains little historic integrity. As a result, these features do not reduce the integrity of the historic district as a whole. In addition, these small-scale features are at least 250 feet from any historic features that contribute to the district. As a result, the treated air release stack and access hatches do not adversely impact any buildings or other features that have been identified as contributing to the district.

The location of the odor treatment vaults and immediate vicinity has changed significantly since the Burnside Bridge and seawall were completed in 1926 and 1928, respectively. Specifically, what once was an open, paved area is now a park with sidewalks and grass. As a result, the treated air release stack and access hatches do not materially impact the integrity of the setting at the Burnside Bridge, since that setting has already been transformed in the subject area.

The project will not have an adverse effect on Greenway historic values.

Agricultural Values: There are no agricultural Greenway values present in the vicinity of the project site. The Ankeny Pump Station Odor Treatment System is entirely within the urbanized area of Portland. The project will have no adverse effects on Greenway agricultural values.

Economic Values: The Ankeny Pump Station is adjacent to Ankeny Plaza and the Portland Saturday Market. Waterfront Park hosts a number of highly attended events and festivals from May through September in addition to the Portland Saturday Market, which runs from March through December. Nationally recognized as the largest continuously operating annual open-air arts and crafts market in the country, the Portland Saturday Market has over 350 members and generates an estimated \$8 million in gross sales annually. It is a central economic engine for the historic Old Town/Chinatown neighborhood, and attracts an estimated one million visitors to the area each year. The odor treatment system improves air quality conditions and user experience for park and Portland Saturday Market visitors and therefore supports local business and economic interests.

Additionally, replacing the odor treatment equipment using the existing vaults will cost the City about \$1.7 million (according to the Bases of Design Tech Memo, Exhibit A.3 a in the application case file). Removing the existing vaults and then constructing new vaults outside of the Greenway setback would cost the City approximately \$6.6 million, representing a significantly larger public expense.

Recreational values: The vaults are on land that is actively managed as part of Waterfront Park by Portland Parks & Recreation. North and west of the vaults is the Japanese American Historical Plaza, which consists of maintained landscaping, paths, and a plaza. The area south of the vaults (under the Burnside Bridge) is paved and used as part of the Portland Saturday Market. The access hatches and the exhaust vent are located in lawn and adjacent to the Greenway Trail.

The contractor will access the site as shown on the Site Access and Work Limits Plan (Exhibit C.3 in the application case file). The pedestrian path between the two vaults will be temporarily closed when the hatch is enlarged and when the equipment is installed. The main Greenway Trail on the west side of the Media Vault will remain open during most of the construction window. Short-term interruption maybe be required for the delivery and unloading of equipment, during the installation of the equipment into the vaults and during testing. Pedestrian traffic would be routed around the area when disruption is required. As described previously in this application, BES will inform the public and stakeholders about trail closures in advance and during construction as part of its outreach efforts. The recreation impacts will be temporary and short-lived, and therefore not significant to recreation users. This criterion is met.

(b) The use will not significantly reduce the site's availability for water-dependent or water-related uses with the jurisdiction;

Findings: Waterfront Park is comprised of about 37 acres and extends along approximately 1.5 miles of the Willamette River shoreline. About 9 acres of the park are within the 50-foot River setback. The odor treatment vaults are 1,083 square feet (less than 0.3 percent of the area within the River setback) and below-ground. The odor treatment vaults do not significantly reduce lands available for river-dependent or river-related uses within Waterfront Park. This criterion is met.

(c) The use will provide a significant public benefit; and

Findings: The vaults provide odor treatment for the Ankeny Pump Station and Ankeny CSO shaft, which is a significant benefit to the public. The Ankeny Pump Station is adjacent to Ankeny

Plaza and the Portland Saturday Market, and the Greenway Trail passes right in front of the pump station and over the shaft. Waterfront Park hosts a number of highly attended events and festivals from May through September in addition to the Portland Saturday Market, which runs from March through December. The Portland Saturday Market attracts an estimated one million visitors to the area each year. There is significant public benefit to treating foul air where large congregations of people gather on a weekly basis, and this criterion is met.

(d) The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322.

(1) The Legislative Assembly finds that, to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment and to further the state policy established under ORS 390.010 (Policy of state toward outdoor recreation resources), it is in the public interest to develop and maintain a natural, scenic, historical and recreational greenway upon lands along the Willamette River to be known as the Willamette River Greenway.

Findings: The Ankeny Pump Station predates the adoption of Goal 15 and is in a highly used area of Waterfront Park. The Ankeny Pump Station and Westside CSO are part of the City's Capital Facilities Plan, which are in compliance with Statewide Planning Goals and the City's Comprehensive Plan. Waterfront Park is included in the Central City 2035 Plan, which is also in compliance with Statewide Planning Goals and the City's Comprehensive Plan. It is in the public's best interest that odor coming from the pump station and CSO shaft be treated, and the odor treatment system is an important aspect to preserving the recreation and economic functioning of the Greenway.

The two vaults are underground, on publicly owned and developed land. Being underground, the vaults are not an impediment to the Greenway Trail or recreational uses of Waterfront Park. Additionally, the existing vault hatches are at ground level and do not obstruct views and blend into the already heavily developed surrounding area. The only above grade structure is a release stack for the treated air. The 24-inch diameter stack does not obstruct views of the Willamette River.

As discussed in the response to OAR 660-004-0022(6)(a), the project will not have an adverse effect on Greenway natural, scenic, historic, or recreational values.

(2) In providing for the development and maintenance of the Willamette River Greenway, the Legislative Assembly:

(a) Recognizing the need for coordinated planning for such greenway, finds it necessary to provide for development and implementation of a plan for such greenway through the cooperative efforts of the state and units of local government.

Findings: The State of Oregon and units of local government, including the City of Portland and Metro, have cooperated with the implementation of Greenway planning as required by legislative intent. The Ankeny Pump Station Odor Treatment System, which is the subject of this application, would be permitted through this established local and statewide Greenway planning process.

(b) Recognizing the need of the people of this state for existing residential, commercial and agricultural use of lands along the Willamette River, finds it necessary to permit the continuation of existing uses of lands that are included within such greenway; but, for the benefit of the people of this state, also to limit the intensification and change in the use of such lands so that such uses shall remain, to the greatest possible degree, compatible with the preservation of the natural, scenic, historical and recreational qualities of such lands.

Findings: The Ankeny Pump Station predates the adoption of Goal 15. Given the high usage of Portland Saturday Market, Ankeny Plaza, Waterfront Park around the Ankeny Pump Station, and the Greenway Trail, it is in the public's best interest that the odor coming from the pump station and CSO shaft be treated. The odor treatment vaults do not intensify the use as they are underground, partially within the right-of-way of the Burnside Bridge, in a developed area of Waterfront Park. The at-grade access hatches and the treated air release stack are not an impediment to the Greenway Trail or recreational uses of Waterfront Park. Additionally, the release stack does not obstruct views and blends into the already heavily developed surrounding area. The odor system is compatible with the preservation of the scenic, historic, and recreational qualities of the area.

(c) Recognizing that the use of lands for farm use is compatible with the purposes of the Willamette River Greenway, finds that the use of lands for farm use should be continued within the greenway without restriction.

Findings: The odor treatment vaults are entirely within the urbanized area of Portland and not on or near farmland within the Greenway boundary. The project will in no way impede the continuation of farm uses with the Greenway.

(d) Recognizing the need for central coordination of such greenway for the best interests of all the people of this state, finds it necessary to place the responsibility for the coordination of the development and maintenance of such greenway in the State Parks and Recreation Department.

Findings: The odor treatment vaults are partially within the right-of-way of the Burnside Bridge, but in an area maintained by Portland Parks & Recreation as part of Waterfront Park. The odor treatment system in no way limits or changes Oregon State Parks & Recreation's responsibilities for the coordination of the development and maintenance of the Greenway.

(e) Recognizing the lack of need for the acquisition of fee title to all lands along the Willamette River for exclusive public use for recreational purposes in such greenway, finds it necessary to limit the area within such greenway that may be acquired for state parks and recreation areas and for public recreational use within the boundaries of units of local government along the Willamette River.

Findings: The odor treatment vaults are on publicly owned land, partially within the right-of-way of the Burnside Bridge and on land owned by the City (managed as part of Waterfront Park by Portland Parks & Recreation). As this land is already in public domain and will remain in public domain, this policy does not apply.

2) Comprehensive Plan Amendment

The Portland Zoning Code, at 33.850.030 A., requires that Quasi-judicial Statewide Planning Goal exceptions will include a concurrent Type III review that includes an amendment to the City's Comprehensive Plan. This section of the Staff Report fulfills this requirement.

Furthermore, the Portland Zoning Code, at 33.850.040, Approval Criteria, states:

A Statewide Planning Goal exception will be approved if it is found that the proposal meets State and any additional City approval criteria for the specific goal exception. The approval criteria are included in the appropriate chapters containing regulations which can be modified through a Statewide Planning Goal exception.

This section of the staff report evaluates the Goals and Policies of the City of Portland Comprehensive Plan and makes findings as to whether the Goal Exception is consistent with the adopted Comprehensive Plan. The applicant is not requesting a Comprehensive Plan Map Amendment, nor proposing any changes to the text of the Comprehensive Plan. The following

findings demonstrate that the requested Goal Exception is, on balance, consistent with the relevant Goals and Policies of the adopted Comprehensive Plan.

The following Comprehensive Plan Goals and Policies are relevant to this proposal:

CHAPTER 1: THE PLAN

Goal 1.A: Multiple goals

Portland's Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

Goal 1.B: Regional partnership

Portland's Comprehensive Plan acknowledges Portland's role within the region, and it is coordinated with the policies of governmental partners.

Goal 1.C: A well-functioning plan

Portland's Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

Goal 1.D: Implementation tools

Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

Goal 1.E: Administration

Portland's Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan as a whole. It is administered in accordance with regional plans and state and federal law.

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 1.10 Compliance with the Comprehensive Plan. Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.

1.10.a. Legislative amendments to the Comprehensive Plan's elements and implementation tools must also comply with the Guiding Principles.

1.10.b. Legislative amendments to the Comprehensive Plan's elements should be based on the factual basis established in the supporting documents as updated and amended over time.

*1.10.c. Amendments to the Zoning Map are considered to be in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map, the amendment is to a corresponding or allowed zone, and current public services are capable of supporting the uses allowed by the zone, or that public services can be made capable by the time the development is complete. **See Policy 10.3 for additional guidance on Zoning Map amendments.***

BES is not proposing to amend the Comprehensive Plan text, Comprehensive Plan Map, or Zoning Map. Rather, with this application BES is requesting an exception to the restrictions of Statewide Planning Goal 15 and the City's Greenway Goal implementing regulations. Specifically, this application provides reasons for why restrictions on non-river related/dependent development within the Greenway setback should not apply to the odor treatment system. To the extent that

this policy is applicable to this proposal, the findings against Comprehensive Plan goals and policies elsewhere in this report demonstrate the proposal, on balance, is equally supportive of the Comprehensive Plan as a whole.

Policy 1.11 Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.

The Urban Growth Management Functional Plan was approved on November 21, 1996 by the Metro Council and became effective on February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives, including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative process. The Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. The 13 titles in Section 3.07 are summarized and addressed below.

Title 1 – Requirements for Housing and Employment Accommodation. *This section facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline, and if a city or county chooses to reduce capacity in one location, it must transfer the capacity to another location. Cities and counties must report changes in capacity annually to Metro.*

Findings: The requested Greenway Goal Exception is to allow the installation of two below-ground odor treatment vaults that have at-grade access hatches and a treated air release stack within the Greenway setback, north of the Burnside Bridge. The vaults are partially within the right-of-way of the Burnside Bridge and partially on land owned by Portland Parks & Recreation. The entire area is managed by Portland Parks and Recreation as the Tom McCall Waterfront Park. The entire site is zoned as Open Space. The OS zone prohibits residential uses and generally does not allow employment opportunities that are not associated with a park use. As such, there is no housing or employment capacity on the site. Therefore, the requested Greenway Goal Exception is consistent with the intent of Title 1.

Title 2 – Regional Parking Policy. *Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips, and protect air quality. In addition, the federally mandated air quality plan adopted by the State relies on the 2040 Growth Concept fully achieving its transportation objectives. This Title establishes region-wide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. By not creating an over-supply of parking, urban land can be used most efficiently.*

Findings: Chapter 33.266 of the Portland Zoning Code establishes parking standards for specified uses in the various zones, consistent with Title 2. The requested Greenway Goal Exception will not affect the parking standards in Title 33 and no new parking is proposed. Therefore, the requested Greenway Goal Exception is consistent with the intent of Title 2.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation. *The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reduction pollution of the region's waterways.*

Findings: The odor treatment system is outside of the 100-year floodplain and not within any mapped landslide hazard area. Erosion control measures to prevent soil erosion into the regions waterways will be required during building permit review and inspection. The requested Greenway Goal Exception is consistent with the intent of Title 3.

Title 4 – Industrial and other Employment Areas. *Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map.*

Findings: The requested Greenway Goal Exception is to allow the installation of two below-ground odor treatment vaults within Tom McCall Waterfront Park. The entire site is zoned as Open Space. There is no industrial or employment capacity on the site. Therefore, the requested Greenway Goal Exception is consistent with the intent of Title 4.

Title 5 – Neighbor Cities and Rural Reserves. *This section directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city.*

Findings: The requested Greenway Goal Exception has no impact on Title 5 since the site is located within Portland's urban core and therefore has no impact on neighboring cities or rural reserves. The requested Greenway Goal Exception is consistent with the intent of Title 5.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities. *The intent of Title 6 is to enhance the Centers designated on The 2040 Growth Concept Map by encouraging development in these Centers. This Title recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept.*

Findings: The site is in the Portland Central City Regional Center in a park where there is no need for additional streets or connections benefiting bicyclists, pedestrians or transit users. By limiting emanation of odors, the proposed odor treatment facility will benefit pedestrians and bicyclist using the Greenway Trail in Tom McCall Waterfront Park. The requested Greenway Goal Exception is consistent with the intent of Title 6.

Title 7 – Affordable Housing. *This section ensures that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.*

Findings: The requested Greenway Goal Exception has no impact on Title 7 since the site is located in Waterfront Park on land zoned as Open Space and not intended for housing. The requested Greenway Goal Exception is consistent with the intent of Title 7.

Title 8 – Compliance Procedures. *This section ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to the Metro Code requirements.*

Findings: The requested Greenway Goal Exception meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC, Chapter 33.850, Statewide Planning Goals Exceptions. Therefore, the requested Greenway Goal Exception is consistent with the intent of Title 8.

Title 9 – Performance Measures. *This section ensures that progress is measured in the implementation of the Urban Growth Management Functional Plan and the 2040 Growth Concept.*

The requested Greenway Goal Exception has no impact on measuring the progress and implementation of Title 9 and is, therefore, consistent with the intent of Title 9.

Title 10 – Definitions. *This section defines the words and terms used in the Urban Growth Management Functional Plan.*

Findings: The requested Greenway Goal Exception will have no effect on words and terms used in the UGFMP. This Title is not applicable.

Title 11 – Planning for New Urban Areas. *This section is a planning guide for areas brought into the UGB for conversion from rural to urban uses.*

Findings: The project site is within the UGB, in the City's urban core. The requested Greenway Goal Exception has no impact on Title 11 and is therefore consistent with the intent of Title 11.

Title 12 – Protection of Residential Neighborhoods. *The purpose of this Title is to protect the Region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public service.*

Findings: The requested Greenway Goal Exception has no impact on Title 12 since the site is located in Waterfront Park on land zoned as Open Space with no residential use. The site is proximate to CX zone properties, in which housing is an allowed use. Allowing the installation of equipment on the subject site that will address odor issues improves air quality for nearby residents. The requested Greenway Goal Exception is consistent with the intent of Title 12.

Title 13 – Nature in Neighborhoods. *The purpose of this Title is to conserve, protect and restore a continuous ecologically viable streamside corridor system from the stream's headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and surrounding urban landscape; control and prevent water quality pollution for the protection of the public health and safety; and maintain and improve water quality throughout the region.*

Findings: The requested Greenway Goal Exception is to install an odor treatment system for the Ankeny Pump Station and Ankeny CSO shaft. The development is limited in size and is integrated with the surrounding landscape of the park. The vaults are outside of the floodplain. The requested Greenway Goal Exception is consistent with the intent of Title 13.

Policy 1.12 Consistency with Statewide Planning Goals. Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.

The State Land Conservation and Development Commission (LCDC) has approved the City's 2035 Comprehensive Plan. Many of the City's Comprehensive Plan Goals and Policies implement and are comparable to the Statewide Planning Goals. The Statewide Planning Goals are:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 3: Agricultural Lands
- Goal 4: Forest Lands
- Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6: Air, Water, and Land Resources Quality

- Goal 7: Areas Subject to Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 13: Energy Conservation
- Goal 14: Urbanization
- Goal 15: Willamette River Greenway
- Goal 16: Estuarine Resources
- Goal 17: Coastal Shorelands
- Goal 18: Beaches and Dunes
- Goal 19: Ocean Resources

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIx land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. PCC 33.840.040 provides a review process for a Statewide Goal Exception for non-river related/dependent development within or riverward of the Greenway setback. The exception needs to be processed as a Type III Greenway Goal Exception review and approval by the City Council. The process is consistent with State Planning Goal 2. As

discussed elsewhere in this report in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within a "c", "p" or "s" zone. This site is within the Skidmore/Old Town Historic District. A Historic Resource Review will be required for the above grade surfaces and enclosures associated with the with the odor control system. The Historic Resource Review will be processed as a separate land use review after the Hearings Officer recommendation has been issued for this Greenway Goal Exception and River Review. Therefore, the proposal is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application (Exhibit E.1). Staff finds the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The odor treatment facility is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. In addition, the odor treatment vaults are in Waterfront Park in an area zoned OS Open Space. The access hatches to the vaults are surrounded by grass and the Greenway Trail. The odor treatment vaults improve the recreational user experience of Waterfront Park, the Greenway Trail, and the Portland Saturday Market by minimizing public exposure to odor emanating from the existing CSO and Ankeny Pump Station wet well. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged

inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal (Exhibits E.1 through E.7).

Additionally, as noted in the Applicant's narrative (Exhibits A.1 and A.7), Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by the types and levels of water, sewer, and transportation facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly, and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and approved by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

The Ankeny Pump Station is a public facility serving Portland's Westside CSO system. During normal conditions, the Ankeny Pump Station sends wastewater across the Willamette River to the East Central Interceptor. Overflow from the Ankeny Pump Station is conveyed through Outfall 09 by gravity or, if the water level in the Willamette River gets higher and prohibits gravity overflow, the storm pumps turn on to prevent flooding in the downtown area. The storm pumps send combined stormwater and sewage to the river.

The Ankeny Pump Station is in Waterfront Park, adjacent to the Greenway Trail, Ankeny Plaza, and the Portland Saturday Market. The proposed project will minimize public exposure to odors emanating from the sewers. The proposed amendment is consistent with Goal 11.

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a

proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). PBOT evaluated this proposal for potential impacts upon transportation services and has no objection to approval (Exhibit E.2). Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. The proposal has no impact on the ability to achieve this goal. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. The subject site is located within the UGB. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is within the e River Environmental and g* River General overlay zones. This application is requesting a Goal 15 Exception to allow development of two odor treatment vaults and a treated air release stack within the River setback. The findings above in this report related to the approval criteria for a Statewide Land Use Planning Goal Exception (OAR 600-004-0022(6)) demonstrate that the application meets all of the applicable approval criteria for a Greenway Goal Exception. As the proposal meets the Planning Goal Exception criteria for Goal 15, the proposal is consistent with Goal 15.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft

development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings for Goals 16-19: Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.

Policy 1.13 Consistency with state and federal regulations. Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

As noted in the applicant’s narrative (Exhibits A.1 and A.7), the previous installation of the odor treatment system and the proposed upgrades do not require state and federal permits as the work is outside of the state/federal jurisdictional boundaries of the Willamette River. As such, it can reasonably be concluded that the proposal is consistent with applicable state and federal regulations.

Policy 1.14 Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland’s urban services boundaries, as established by Policies 8.2 and 8.6.

The subject odor treatment system is part of the City’s public wastewater conveyance infrastructure and, as such, is a needed public facility to provide wastewater service. City public services bureaus commenting on the proposal (Exhibits E.1 through E.7) have stated no concerns regarding future availability and capacity to serve the site. Therefore the proposal is consistent with this goal.

Policy 1.15 Intergovernmental coordination. Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.

This policy requires coordination by the City with other agencies when administering and implementing the Comprehensive Plan. The proposal to install the odor treatment system will not hinder the ability of the City to coordinate administration and implementation of the Comprehensive Plan with other agencies.

Policy 1.18 Quasi-judicial amendments to the Comprehensive Plan Map. Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:

- *Is compatible with the land use pattern established by the Comprehensive Plan Map.*
- *Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.*

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

This application is requesting an amendment to the City's Comprehensive Plan (by way of an exception to the Willamette Greenway Plan); this application is not requesting a change to map designations of the Comprehensive Plan. Rather, this application seeks an exception by providing reasons why the restrictions in Goal 15 and the City's Greenway Goal implementing regulations on non-river-related/dependent development within the River setback should not apply to the construction of underground vaults within the River setback proposed. This report is prepared in anticipation of the Hearings Officer review and recommendation the City Council on this request. Also, the findings demonstrating consistency with Policies 1.10 through 1.15, above are sufficient to show that the request is consistent with this policy.

Policy 1.19 Area-specific plans. Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.

1.19.a. Area-specific plans that are adopted after May 24, 2018 should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses. See Figure 1-3 – Area Specific Plans Adopted by Ordinance After May 24, 2018.

1.19.b. Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.

1.19.c. Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to [effective date of this 2035 Comp Plan] are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan. See Figure 1-2, Area-Specific Plans Adopted by Ordinance Prior to May 24, 2018, and Figure 7-2 — Adopted Environmental Plans.

The proposed project is located in the Central City Plan Area, Old Town/Chinatown Sub-District. Portland City Council adopted the Central City 2035 Plan on June 6, 2018, as part of the 2035 Comprehensive Plan, to serve as the guiding policy document for the Central City.

The Central City 2035 Plan outlines Goals and Policies related to:

1. Regional Center
2. Housing and Neighborhoods
3. Transportation
4. Willamette River
5. Urban Design
6. Health and Environment

In the plan, the 2035 Vision for the Old Town/Chinatown Sub-District states the following: *Old Town/Chinatown is a vibrant, resilient, 24-hour neighborhood rooted in a rich cultural and historical past. The district's two thriving historical districts, numerous multi-cultural attractions and higher education institutions foster a thriving mix of office employers, creative industry start-ups, retail shops and a range of entertainment venues, restaurants and special events. The district has a balanced mix of market rate, student and affordable housing. Its social service agencies continue to play a critical public health role within the Portland region. The district has a mix of human-scaled, restored historic buildings and contextually sensitive infill development. It is well connected to the rest of the Central City and the region through excellent multimodal transportation facilities and safe and attractive street connections to adjacent neighborhoods and an active riverfront.*

The Urban Design Concept Diagram for Old Town/Chinatown in the Central City 2035 Plan identifies key elements that include:

- Highlighting the intersection at NW Broadway and West Burnside.
- Strengthening east-west connections between the North Park Blocks and the river.
- Exploring development of a multi-cultural history center.
- Creating a NW 4th Avenue main street.

The Concept Diagram illustrates the desired continued open space use of Waterfront Park in the vicinity of the odor treatment system, with the nearby Japanese American Historical Plaza and the Portland Saturday Market identified as attractions.

The odor treatment system is consistent with the City's vision for the Old Town/Chinatown Sub-District and with the relevant Goals and Policies of the Central City 2035 Plan in general, based on the following factors:

- The odor treatment system is underground (with the exception of the treated air release stack) and does not interfere with the recreational uses of the site, scenic views, historic resources, or pedestrian/bike transportation on the Greenway Trail.
- Providing odor treatment for municipal sewer system infrastructure minimizes public exposure to foul odors, which benefits recreational users of the park, Greenway Trail, and Ankeny Plaza, and also the businesses and economic interests of the Portland Saturday Market.
- Key natural resource features identified for the Central Reach of the Willamette River (i.e., open water, shallow water habitat, river bank, floodplain, and riparian vegetation) are not present at the site, which is in a developed portion of Waterfront Park separated from the river by a seawall.
- The previous installation of the odor treatment system and proposed equipment upgrades will result in only minor impacts to lawn and paved surfaces. Areas of temporary lawn disturbance were and will be restored, and an additional 3,700-square foot area in

Waterfront Park will be enhanced with native vegetation as part of the mitigation for the project.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 1, Goals 1.A through 1.E of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 1: The Plan.

CHAPTER 2: COMMUNITY INVOLVEMENT

Goal 2.A: Community involvement as a partnership

The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, Neighborhood Associations, Business Associations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions. Partnerships with historically under-served and under-represented communities must be paired with the City's neighborhood organizations to create a robust and inclusive community involvement system.

Goal 2.B: Social justice and equity

The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

Goal 2.C: Value community wisdom and participation

Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability

City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is taken into account. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation

Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Goal 2.F: Accessible and effective participation

City planning and investment decision-making processes are designed to be accessible and effective, and responsive to the needs of all communities and cultures. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-responsive, and robust community involvement.

Goal 2.G: Strong civic infrastructure

Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

Findings: These Goals and Policies are implemented through the City's citizen involvement process and procedures. This application is being processed consistent with those processes and procedures. As required by the Zoning Code and consistent with Chapter 2 of the 2035 Comprehensive Plan, this amendment is being processed as a Type III Comprehensive Plan Amendment. The process requires a pre-application conference, which was held on September 19, 2018, followed by an application submittal, public notice and comment period, and a hearing before a Hearings Officer. A second evidentiary hearing is required and will be held before the City Council, the final decision maker. Additionally, BES has developed a Public Involvement Plan for the project (Exhibit A.4), which describes measures BES will take to ensure the community is aware of the project and has adequate opportunity to be involved. Therefore, this process is consistent with the objectives related to engaging the community and, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 2: Community Involvement.

CHAPTER 3: URBAN FORM

GOAL 3.A: A city designed for people. *Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.*

GOAL 3.B: A climate and hazard resilient urban form. *Portland's compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.*

GOAL 3.C: Focused growth. *Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.*

GOAL 3.D: A system of centers and corridors. *Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.*

GOAL 3.E: Connected public realm and open spaces. *A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.*

GOAL 3.F: Employment districts. *Portland supports job growth in a variety of employment districts to maintain a diverse economy.*

GOAL 3.G: Nature in the city. *A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.*

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 3.21 Role of the Central City. Encourage continued growth and investment in the Central City, and recognize its unique role as the region's premier center for jobs, services, and civic and cultural institutions that support the entire city and region.

Policy 3.22 Model Urban Center. Promote the Central City as a living laboratory that demonstrates how the design and function of a dense urban center can concurrently provide equitable benefits to human health, the natural environment, and the local economy.

Policy 3.23 Central City employment. Encourage the growth of the Central City's regional share of employment and continue its growth as the region's unique center for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 3.26 Public places. Promote public places and the Willamette River waterfront in the Central City as places of business and social activity and gathering for the people of its districts and the broader region.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposal is consistent with these policies as BES is continuing to invest in the Central City by providing an odor treatment facility for the Ankeny Pump Station, which would benefit the public by treating the foul air from the City's wastewater conveyance system. The Ankeny Pump Station is located in Waterfront Park and adjacent to the Portland Saturday Market and the Ankeny Plaza. Additionally, the Greenway Trail passes by the Ankeny Pump Station.

Waterfront Park hosts a number of highly attended events and festivals from May to September in addition to the Portland Saturday Market, which runs from March through December. Nationally recognized as the largest continuously operating open-air arts and crafts market in the County, the Portland Saturday Market has over 350 members and generates an estimated \$8 million in gross sales annually. It is a central economic engine for the historic Old Town/Chinatown neighborhood, and attracts an estimated one million visitors to the area each year. Providing odor control for the pump station improves public health, supports a healthy environment, and supports the fiscal well-being of the City. Additionally, the vaults are located underground with at-grade access hatches. The vaults are covered by lawn or the Greenway Trail, and are therefore compatible with the surrounding use of the Park and the landscaped area.

Policy 3.25 Transportation hub. Enhance the Central City as the region's multimodal transportation hub and optimize regional access as well as the movement of people and goods among key destinations.

The Greenway Trail runs through Waterfront Park and west of the Media Vault. As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposal is consistent with these policies as treating the foul air from the City's wastewater conveyance system benefits public health including the users of the Greenway Trail which is a Regional Trail and an important part of the City's Transportation System Plan.

Policy 3.60 Connections. Create a network of distinctive and attractive City Greenways that link centers, parks, schools, rivers, natural areas, and other key community destinations.

Policy 3.61 Integrated system. Create an integrated City Greenways system that includes regional trails through natural areas and along Portland's rivers, connected to neighborhood greenways, and heritage parks.

The proposal is consistent with these policies, as the odor treatment system does not interfere with the trail system through this portion of Willamette River Greenway or its connections to key community destinations.

Policy 3.62 Multiple benefits. Design City Greenways that provide multiple benefits that contribute to Portland's pedestrian, bicycle, green infrastructure, and parks and open space systems.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the odor treatment system is supportive of the "multiple benefits" concept for Greenways outlined in this policy. The odor treatment vaults and treated air release stack are by necessity located in close proximity to the Ankeny Pump Station, but were sited to avoid conflicts with the pedestrian and bicycle uses of the Greenway Trail and with park public uses of Ankeny Plaza and the Portland Saturday Market. The odor treatment system provides public benefit by treating foul air from the City's wastewater conveyance system.

Policy 3.63 Design. Use design options such as distinctive street design, motor vehicle diversion, landscaping, tree plantings, scenic views, and other appropriate design options, to create City Greenways that extend the experience of open spaces and nature into neighborhoods, while improving stormwater management and calming traffic.

As noted in the applicant's narrative (Exhibits A.1 and A.7) the odor treatment system was designed to enhance the open space experience for users of Waterfront Park by treating foul air from municipal wastewater conveyance infrastructure. The odor treatment media and related equipment are housed in underground vaults, thereby avoiding conflicts with park and trail uses in the area and preserving scenic views of the Willamette River. The proposed replacement equipment will also be housed entirely within the existing vaults. Areas of temporary park lawn disturbance were restored following the initial installation of the odor treatment system in 2008/2009, and temporary lawn disturbance for the proposed equipment disturbance will also be restored. Additionally, the mitigation proposed as part of this application includes planting existing lawn area and planter beds in Waterfront Park with native trees, shrubs, and forbs.

Policy 3.64 Urban habitat corridors. Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.

Policy 3.65 Habitat connection tools. Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

Policy 3.66 Connect habitat corridors. Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

Policy 3.66 Connect habitat corridors. Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

As noted in the applicant's narrative (Exhibits A.1 and A.7) the proposed project is consistent with these policies. Waterfront Park is a heavily developed and maintained public space. Due to extensive development at the location of the vaults, seawall, and limited remnant riparian vegetation, wildlife use is limited in Waterfront Park. Construction of the vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently mostly replanted. Total impacts to landscaping included replacing 183 square feet of lawn with the access hatches. The proposed project will replace one of the Media Vault's access hatches with similar but slightly larger hatches (6 feet by 6 feet, increasing the hatch area by 12 square feet). No other vegetation will be impacted.

The project maintains the current vegetation corridors and riparian habitat at the location of the vaults. The proposed mitigation plan includes planting native species on 3,700 square feet. The proposed mitigation plan will provide a pocket of habitat within Waterfront Park that enhances corridor connectivity and migratory stopover habitat.

The proposed mitigation plan includes planting a 3,700 square feet site within Waterfront Park with native vegetation. The property is owned by the City of Portland and managed by Portland Parks & Recreation. Both the restored lawn and the mitigation area are both within Waterfront Park and managed by Portland Parks & Recreation, making the likelihood of long-term success for establishing and maintain the native vegetation high. Once established, the vegetation will enhance habitat corridor connectivity and migratory stopover habitat.

Development within Waterfront Park is guided by the Tom McCall Waterfront Park Master Plan. Areas around both the project site and the Battleship Oregon Memorial are fully developed and consistent with the Tom McCall Waterfront Park Master Plan. The proposed mitigation plan will provide a pocket of habitat within Waterfront Park that enhances corridor connectivity and migratory stopover habitat. The proposed mitigation plan has been coordinated with Portland Parks & Recreation to ensure that it does not conflict with future development activities (e.g., Better Naito) and is consistent with Portland Parks & Recreation's Master Plan and long-term management goals for Waterfront Park.

Policy 3.69 Historic and multi-cultural significance. Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally permitted fish species.

The proposed facility will enhance the use of the adjoining Willamette River by improving air quality through odor abatement.

Policy 3.71 Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland's riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Policy 3.74 Commercial activities. Enhance the roles of the Willamette and Columbia rivers in supporting local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

Policy 3.76 River access. Enhance and complete Portland's system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies. Treating the foul air from the City's wastewater conveyance system benefits public health including the users of the Greenway Trail which is a Regional Trail and an important part of the City's Transportation System Plan. The Greenway Trail runs through Waterfront Park, past the Ankeny Pump Station and Portland Saturday Market. Treating the foul odor from the Ankeny Pump Station will benefit the public and the users of the Greenway Trail.

The odor treatment vaults are landward of the seawall and are underground. There is a mooring cleat landward of the seawall, near the Blower Vault that is available for ships to tie up to. Treating the foul air generated by the Ankeny Pump Station will make the area more desirable for people to moor their boats to this cleat, and to use the Greenway Trail and the surrounding area. Thus promoting the opportunity for enhanced local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

Policy 3.77 River management and coordination. Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection, regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the application fulfills all permitting requirements and will notice all

agencies required for the Goal Exception and Comprehensive Plan Amendment. Treating the foul air from the City's wastewater conveyance system is in the best interest of the public's health, users of the Waterfront Park, and the economy of the surrounding area including Portland Saturday Market and Old Town/China Town. The vaults are located outside of the floodplain, Portland Harbor Superfund, and any known brownfield cleanup areas. As mitigation and habitat restoration, the areas temporarily disturbed will be restored to existing conditions. A 3,700 square foot area will be planted with native species to enhance habitat connectivity within Waterfront Park and to provide migratory stop over habitat.

Policy 3.80 Willamette River Central Reach. Enhance the role of the Willamette River Central Reach as the Central City and region's primary riverfront destination for recreation, history and culture, emergency response, water transportation, and as habitat for fish and wildlife.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policy as BES is continuing to invest in the Central City by providing an odor treatment facility for the Ankeny Pump Station, which would benefit the public by treating the foul air from the City's wastewater conveyance system. The Ankeny Pump Station is located in Waterfront Park and adjacent to the Portland Saturday Market and the Ankeny Plaza. Additionally, the Greenway Trail passes by the Ankeny Pump Station.

Waterfront Park hosts a number of highly attended events and festivals from May to September in addition to the Portland Saturday Market, which runs from March through December. Nationally recognized as the largest continuously operating open-air arts and crafts market in the County, the Portland Saturday Market has over 350 members and generates an estimated \$8 million in gross sales annually. It is a central economic engine for the historic Old Town/Chinatown neighborhood, and attracts an estimated one million visitors to the area each year. Providing odor control for the pump station improves public health, supports a healthy environment, and supports the fiscal well-being of the City. Additionally, the vaults are located underground with at-grade access hatches. The vaults are covered by lawn or the Greenway Trail, and are therefore compatible with the surrounding use of the Park and the landscaped area.

Treating the foul air from the City's wastewater conveyance system benefits public health including the users of the Greenway Trail which is a Regional Trail and an important part of the City's Transportation System Plan. The Greenway Trail runs through Waterfront Park, past the Ankeny Pump Station and Portland Saturday Market. Treating the foul odor from the Ankeny Pump Station will benefit the public and the users of the Greenway Trail.

Waterfront Park is a heavily developed and maintained public space. Due to extensive development at the location of the vaults, seawall, and limited remnant riparian vegetation, wildlife use is limited in Waterfront Park (Central City 2035).

Construction of the vaults in 2008/2009 temporarily disturbed approximately 2,700 square feet. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently mostly replanted. Total impacts to landscaping included replacing 183 square feet of lawn with the access hatches. The proposed project will replace one of the Media Vault's access hatches with similar but slightly larger hatches (6 feet by 6 feet, increasing the hatch area by 12 square feet). No other vegetation will be impacted.

The project maintains the current vegetation corridors and riparian habitat at the location of the vaults. The proposed mitigation plan includes planting native species on 3,700 square feet. The proposed mitigation plan will provide a pocket of habitat within Waterfront Park that enhances corridor connectivity and migratory stopover habitat.

Policy 3.82 Willamette River Greenway. Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway. See Figure 3-9 — Willamette Greenway Boundaries.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the project is within the Willamette River Greenway. The two odor treatment vaults were constructed in 2008/2009 during the renovation of Waterfront Park for the Portland Saturday Market. The vaults never received land use approval. As part of the proposed project in this application, all existing development that was installed without the required reviews must be retroactively reviewed. These vaults are within the River Overlay setback and are neither river-dependent nor river-related. PCC 33.840.040 requires that a Statewide Goal Exception for non-river related or river-dependent development within or riverward of the Greenway setback be processed as a Type III Greenway Goal Exception review and approved by the City Council. The regulations governing exceptions to Statewide Planning Goals are set out in Oregon Administrative Rules (OAR) 660, Division 4.

The Willamette Greenway Plan is implemented in the Central City through the application of regulations found in PCC, Chapter 33.475, River Overlay Zones, and in the rest of the city through Chapter 33.440 of the PCC (Greenway Overlay Zones). Approval criteria for a Greenway Goal Exception are specifically found in PCC 33.840.200. Through these policies, the Willamette Greenway Plan is part of the City's Comprehensive Plan.

The approval criteria include a requirement to amend the City's Comprehensive Plan (by way of an exception to the Willamette Greenway Plan); this is not a request to change the map designations of the Comprehensive Plan. Rather, this application seeks an exception, providing reasons why the restriction in Statewide Planning Goal 15 and the City's Greenway Goal implementing regulations on non-river-related/dependent development within the Greenway setback should not apply to the odor treatment system within the Greenway setback.

To proceed with upgrades to this odor treatment system within the Greenway setback, a Greenway Goal Exception is required. Accordingly, BES has requested herein the City of Portland approval for the following:

- A **Comprehensive Plan Amendment** in the form of a **Greenway Goal Exception** as required by Statewide Planning Goal 15 and the Willamette River Greenway Plan, Section III, Part C, authorizing:
 - Construction of two underground vaults with at-grade accesses and a treated air release stack.

By making this request, the proposal is consistent with this policy.

Policy 3.83 Central City districts. Enhance the distinct identities of the Central City's districts.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the project site is in the Central City Plan Area, Old Town/Chinatown Sub-District. Portland City Council adopted the Central City 2035 Plan on June 6, 2018, as part of the 2035 Comprehensive Plan, to serve as the guiding policy document for the Central City.

The Central City 2035 Plan outlines Goals and Policies related to:

7. Regional Center
8. Housing and Neighborhoods
9. Transportation
10. Willamette River
11. Urban Design
12. Health and Environment

In the plan, the 2035 Vision for the Old Town/Chinatown Sub-District states the following:

Old Town/Chinatown is a vibrant, resilient, 24-hour neighborhood rooted in a rich cultural and historical past. The district's two thriving historical districts, numerous multi-cultural attractions and higher education institutions foster a thriving mix of office employers, creative industry start-ups, retail shops and a range of entertainment venues, restaurants and special events. The district has a balanced mix of market rate, student and affordable housing. Its social service agencies continue to play a critical public health role within the Portland region. The district has a mix of human-scaled, restored historic buildings and contextually sensitive infill development. It is well connected to the rest of the Central City and the region through excellent multimodal transportation facilities and safe and attractive street connections to adjacent neighborhoods and an active riverfront.

The Urban Design Concept Diagram for Old Town/Chinatown in the Central City 2035 Plan identifies key elements that include:

- Highlighting the intersection at NW Broadway and West Burnside.
- Strengthening east-west connections between the North Park Blocks and the river.
- Exploring development of a multi-cultural history center.
- Creating a NW 4th Avenue main street.

The Concept Diagram illustrates the desired continued open space use of Waterfront Park in the vicinity of the odor treatment system, with the nearby Japanese American Historical Plaza and the Portland Saturday Market identified as attractions.

The odor treatment system is consistent with the City's vision for the Old Town/Chinatown Sub-District and with the relevant Goals and Policies of the Central City 2035 Plan in general, including the following:

- The odor treatment system is underground (with the exception of the treated air release stack) and does not interfere with the recreational uses of the site, scenic views, historic resources, or pedestrian/bike transportation on the Greenway Trail.
- Providing odor treatment for municipal sewer system infrastructure minimizes public exposure to foul odors, which benefits recreational users of the park, Greenway Trail, and Ankeny Plaza, and also the businesses and economic interests of the Portland Saturday Market.
- Key natural resource features identified for the Central Reach of the Willamette River (i.e., open water, shallow water habitat, river bank, floodplain, and riparian vegetation) are not present at the site, which is in a developed portion of Waterfront Park separated from the river by a seawall.
- The previous installation of the odor treatment system and proposed equipment upgrades will result in only minor impacts to lawn and paved surfaces. Areas of temporary lawn disturbance were and will be restored, and an additional 3,700-square foot area in Waterfront Park will be enhanced with native vegetation as part of the mitigation for the project.

Policy 3.84 Central City river orientation. Enhance and strengthen access and orientation to the Willamette River in the Central City and increase river-focused activities.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy. Waterfront Park hosts a number of highly attended events and festivals from May to September in addition to the Portland Saturday Market, which runs from March through December. Nationally recognized as the largest continuously operating open-air arts and crafts market in the County, the Portland Saturday Market has over 350 members and generates an estimated \$8 million in gross sales annually. It is a central economic engine for the historic Old Town/Chinatown neighborhood, and attracts an estimated one million visitors to the area each year. Providing odor control for the pump station improves public health, supports a healthy

environment, and supports the fiscal well-being of the City. Treating foul odor will improve the user experience in and around the Ankeny Pump Station which will enhance and strengthen river-focused activities in the surrounding and adjacent areas.

Policy 3.85 Central City pedestrian system. Maintain and expand the Central City's highly interconnected pedestrian system.

Policy 3.86 Central City bicycle system. Expand and improve the Central City's bicycle system.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policies. Treating the foul air from the City's wastewater conveyance system benefits public health including the users of the Greenway Trail which is a multi-modal Regional Trail and an important part of the City's Transportation System Plan. The Greenway Trail runs through Waterfront Park, past the Ankeny Pump Station and Portland Saturday Market. Treating the foul odor from the Ankeny Pump Station will benefit the public and the users of the Greenway Trail.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 3, Goals 3.A through 3.G of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 3: Urban Form.

CHAPTER 4: DESIGN AND DEVELOPMENT

Goal 4.A: Context-sensitive design and development

New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

Goal 4.B: Historic and cultural resources

Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.

Goal 4.C: Human and environmental health

Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

Goal 4.D: Urban resilience

Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 4.1 Pattern areas. Encourage building and site designs that respect the unique built natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

The proposed project is consistent is located in the Central City Pattern and adjacent to the Rivers Pattern area. As discussed above, under the findings for Comprehensive Plan Chapter 3 Urban Form, the odor treatment vaults meet Policies 3.83-3.86 (Central City Pattern Area) and the applicable policies of the Rivers Pattern Area (3.69-3.71, 3.74-3.77, and 3.82). Treatment of the odor from the City's wastewater conveyance system would improve public health, enhance the identity of the Central City District.

Policy 4.2 Community identity. Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

Policy 4.3 Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the odor treatment vaults are underground with at-grade access hatches. The only above grade structure is the treated air release stack. The treated air release stack material was selected to match and blend in with the decorative steel siding art work that used on the exterior of the Ankeny Pump Station when it was remodeled in 2008. The cylindrical stack was also designed to blend with the bridge columns of the Burnside Bridge.

Policy 4.4 Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy. The vaults are underground and mostly covered with lawn. The remaining portion is under the Greenway Trail. The 29-inch diameter oak tree that is close to the vaults was protected/saved during construction in 2008/2009 and will not be disturbed for the proposed upgrades. The proposed upgrades do not trigger stormwater management requirements because less than 500 square feet of impervious surface is proposed. The construction in 2008/2009 was primarily underground and added less than 500 square feet of impervious surface at the ground surface. The paved Greenway Trail that runs over the vaults did trigger stormwater management requirements but were reviewed by BES under LU 07-164835 and CO 08-113505. No additional stormwater requirements apply to this project.

Policy 4.5 Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy, as treating the foul air from the Ankeny Pump Station benefits public health and the users of the Greenway Trail.

Policy 4.7 Development and public spaces. Guide development to help create high quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as BES is continuing to invest in the Center City by providing an odor treatment facility for the Ankeny Pump Station, which would benefit the public by treating the foul air from the City's wastewater conveyance system. The Ankeny Pump Station is located in Waterfront Park and adjacent to the Portland Saturday Market and the Ankeny Plaza. Additionally, the Greenway Trail passes by the Ankeny Pump Station. The project benefits public health, the identity of the Central City District and Ankeny Plaza/Portland Saturday Market, and enhances the user experience of Waterfront Park and the surrounding area.

Policy 4.10 Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the vaults are underground and the Greenway Trail passes over portions of

both vaults. The Greenway Trail is a multi-modal Regional Trail that is part of the City's Transportation System Plan. Treating the foul air from the Ankeny Pump Station benefits public health and enhances the user experience of people using the Greenway Trail and the surrounding areas of Waterfront Park.

Policy 4.11 Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

Policy 4.12 Privacy and solar access. Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

Policy 4.13 Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the proposal consists primarily of vaults that are underground, the at-grade access hatches are locked and the Greenway Trail passes over portions of both vaults. Treating the foul air from the Ankeny Pump Station benefits public health and enhances the user experience of people using the Greenway Trail and the surrounding areas of Waterfront Park.

Policy 4.14 Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the existing vaults are constructed of concrete and steel and pose no fire danger. The vaults are underground, and access is limited to City operations and maintenance personnel. City personnel follow strict confined space entry procedures for access to the structures. For the Media Vault where access is routinely required, ventilation and lighting are included. Confined space entry is required for the Bower Vault.

The vaults were designed in 2008 and were structurally designed to meet the then current building code. It is noteworthy that the vaults and equipment are not critical infrastructures as defined by the Oregon Resilience Plan. Priorities for preventing raw sewage overflows will take precedence over odor treatment in the event of a major earthquake.

Policy 4.23 Design for pedestrian and bicycle access. Provide accessible sidewalks, high quality bicycle access, and frequent street connections and crossings in centers and corridors.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policy as the vaults are underground and the Greenway Trail passes over portions of both vaults. Treating the foul air from the Ankeny Pump Station benefits public health and enhances the user experience of cyclists and pedestrians using the Greenway Trail and the surrounding areas of Waterfront Park.

Policy 4.26 Active gathering places. Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the vaults are located underground. Portions of the Greenway Trail go over the top of the vaults. The only above ground structure is the treated air release stack. The treated air release stack material was selected to match and blend in with the decorative steel siding art work that used on the exterior of the Ankeny Pump Station when it was remodeled in 2008. The cylindrical stack was also designed to blend with the bridge columns of the Burnside Bridge. Treating the foul air from the Ankeny Pump Station would benefit public health and enhance the

user experience of people using the Greenway Trail, Ankeny Plaza, Portland Saturday Market and the surrounding areas of Waterfront Park, which is an active gathering space in Portland's Central City.

Policy 4.28 Historic buildings in centers and corridors. Identify, protect, and encourage the use and rehabilitation of historic resources in centers and corridors.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the project site is in the Central City Plan Area, Old Town/Chinatown Sub-District. Portland City Council adopted the Central City 2035 Plan on June 6, 2018, as part of the 2035 Comprehensive Plan, to serve as the guiding policy document for the Central City.

The Central City 2035 Plan outlines Goals and Policies related to:

13. Regional Center
14. Housing and Neighborhoods
15. Transportation
16. Willamette River
17. Urban Design
18. Health and Environment

In the plan, the 2035 Vision for the Old Town/Chinatown Sub-District states the following: *Old Town/Chinatown is a vibrant, resilient, 24-hour neighborhood rooted in a rich cultural and historical past. The district's two thriving historical districts, numerous multi-cultural attractions and higher education institutions foster a thriving mix of office employers, creative industry start-ups, retail shops and a range of entertainment venues, restaurants and special events. The district has a balanced mix of market rate, student and affordable housing. Its social service agencies continue to play a critical public health role within the Portland region. The district has a mix of human-scaled, restored historic buildings and contextually sensitive infill development. It is well connected to the rest of the Central City and the region through excellent multimodal transportation facilities and safe and attractive street connections to adjacent neighborhoods and an active riverfront.*

The Urban Design Concept Diagram for Old Town/Chinatown in the Central City 2035 Plan identifies key elements that include:

- Highlighting the intersection at NW Broadway and West Burnside.
- Strengthening east-west connections between the North Park Blocks and the river.
- Exploring development of a multi-cultural history center.
- Creating a NW 4th Avenue main street.

The Concept Diagram illustrates the desired continued open space use of Waterfront Park in the vicinity of the odor treatment system, with the nearby Japanese American Historical Plaza and the Portland Saturday Market identified as attractions.

The odor treatment system is consistent with the City's vision for the Old Town/Chinatown Sub-District and with the relevant Goals and Policies of the Central City 2035 Plan in general, based on the following factors:

- The odor treatment system is underground (with the exception of the treated air release stack) and does not interfere with the recreational uses of the site, scenic views, historic resources, or pedestrian/bike transportation on the Greenway Trail.
- Providing odor treatment for municipal sewer system infrastructure minimizes public exposure to foul odors, which benefits recreational users of the park, Greenway Trail, and Ankeny Plaza, and also the businesses and economic interests of the Portland Saturday Market.

- Key natural resource features identified for the Central Reach of the Willamette River (i.e., open water, shallow water habitat, river bank, floodplain, and riparian vegetation) are not present at the site, which is in a developed portion of Waterfront Park separated from the river by a seawall.
- The previous installation of the odor treatment system and proposed equipment upgrades will result in only minor impacts to lawn and paved surfaces. Areas of temporary lawn disturbance were and will be restored, and an additional 3,700-square foot area in Waterfront Park will be enhanced with native vegetation as part of the mitigation for the project.

The odor treatment vaults are also within the Skidmore/Old Town Historic District, which is nationally significant for its association with the initial phase of commercial development in Portland. In addition to being listed on the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only 16 in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth through the early twentieth century. The district is recognized architecturally for its cast-iron façades and its rich blend of late nineteenth-century/early twentieth-century commercial architectural styles. The odor treatment vaults are in a location along the Willamette River bank that has been significantly altered since the end of the district's historic period. The buildings that formerly lined the east side of Front Street (analogous to Naito Parkway today) were removed to accommodate construction of the Harbor Freeway in the 1950s, which was subsequently replaced with Waterfront Park. The vaults are also close to the Burnside Bridge, which is also listed on the National Register of Historic Places.

The treated air release stack and access hatches are small-scale site features that are located in a portion of the Skidmore/Old Town Historic District which has been substantially altered and retains little historic integrity. As a result, these features do not reduce the integrity of the historic district as a whole. In addition, these small-scale features are at least 250 feet from any historic features that contribute to the district. As a result, the treated air release stack and access hatches do not adversely impact any buildings or other features that have been identified as contributing to the district.

The location of the odor treatment vaults and immediate vicinity has changed significantly since the Burnside Bridge and seawall were completed in 1926 and 1928, respectively. Specifically, what once was an open, paved area is now a park with sidewalks and grass. As a result, the treated air release stack and access hatches do not materially impact the integrity of setting of the Burnside Bridge, since that setting has already been transformed in the subject area.

As the site is within the Skidmore/Old Town Historic District. A Historic Resource Review will be required for the above grade surfaces and enclosures associated with the with the odor control system. The Historic Resource Review will be processed as a separate land use review after the Hearings Officer recommendation has been issued for this Greenway Goal Exception and River Review.

Policy 4.29 Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the only above ground structure is the treated air release stack. The treated air release stack material was selected to match and blend in with the decorative steel siding art work that used on the exterior of the Ankeny Pump Station when it was remodeled in 2008. The cylindrical stack was also designed to blend with the bridge columns of the Burnside Bridge.

As the site is within the Skidmore/Old Town Historic District, a Historic Resource Review will be required for the above grade surfaces and enclosures associated with the with the odor control system. The Historic Resource Review will be processed as a separate land use review after the Hearings Officer recommendation has been issued for this Greenway Goal Exception and River Review.

Policy 4.33 Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay particular attention to limiting and mitigating impacts to under-served and underrepresented communities.

The proposed project is consistent with this policy. The purpose of this project is to limit off-site impacts from odors by treating foul air from the City's wastewater conveyance system. The Ankeny Pump Station is located in Waterfront Park next to the Portland Saturday Market, Ankeny Plaza and the Greenway Trail.

Policy 4.35 Noise impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the vaults are located below ground and all equipment is housed inside the concrete vaults. No noise is heard from above ground.

Policy 4.36 Air quality impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution. As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policy as the odor treatment system collects and treats foul odor from the Ankeny Pump Station and releases treated air, improving air quality.

Policy 4.41 Scenic resources. Enhance and celebrate Portland's scenic resources to reinforce local identity, histories, and cultures and contribute toward wayfinding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy. The *City of Portland Scenic Resources Protection Plan* (1991) outlines requirements for protecting scenic resources. According to the plan, the closest designated viewpoint is NW 24, on the seawall along the Greenway Trail at NW Couch Street. The scenic resource feature is the Willamette River. The project site is south of the viewpoint and west of the Willamette River, in a heavily developed area dominated by the Burnside Bridge. The existing vault hatches are at ground level, do not obstruct views, and blend into the already heavily developed surrounding area. The only above-grade structure is the treated air release stack. The release stack does not obstruct the view of the Willamette River. The stainless steel design of the exhaust vent was intended to match the stainless steel siding of the Ankeny Pump Station.

Policy 4.73 Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as construction of the vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of lawn and pavement. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently replanted. Total permanent impacts to landscaping included replacing 183 square feet of lawn with access hatches.

The proposed project will enlarge one access hatch to the Media Vault. Approximately 80 square feet of lawn will be temporarily disturbed and 12 square feet of lawns will be lost. The existing 4-foot by 6-foot hatch will be replaced with a similar hatch that will be slightly larger (6 feet by 6 feet, increasing the hatch area by 12 square feet).

None of the resource features identified in the Willamette River Central Reach Natural Resources Protection Plan exist at the project site:

- **Open Water:** The project is above and outside of the Willamette River.
- **Shallow Water Habitat:** There is no shallow water habitat on or adjacent to the site.
- **River Bank:** The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. The project does not impact the seawall.
- **Floodplain:** The project is outside of the 100-year floodplain.
- **Riparian Vegetation:** The project does not remove trees or shrubs. Previous impacts to park lawn from the installed vaults/hatches (a loss of 183 square feet of lawn) and the proposed hatch enlargement (a loss of additional 12 square feet of lawn) are minor in terms of the natural functions/values provided by riparian vegetation (e.g., shade, habitat structure, etc.).

The project will not impact any resource features identified in the Willamette River Central Reach Natural Resources Protection Plan for the River District. The project does not impact the resource features identified in the Willamette River Central Reach Natural Resources Protection Plan for the River District at the project site.

Policy 4.75 Low-impact development and best practices. Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the vaults are located underground with at-grade access hatches. They are covered, mostly, by maintained lawn. The only above grade structure is the treated air release stack. To mitigate for impacts, 3,700 square feet area will be planted with native plants to improve habitat corridor connectivity and migratory stop over habitat in Waterfront Park.

Policy 4.79 Natural hazards and climate change risks and impacts. Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

Policy 4.80 Geological hazards. Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

Policy 4.81 Disaster-resilient development. Encourage development and site-management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies. The most likely impact associated with climate change is the rise of flood waters. The Willamette River is tidally influenced from its mouth to the Oregon City Falls. The project site is protected from flooding by the seawall along the park. The City Center would be at

risk of flooding if climate change caused sea-level rise to cause either the elevation of the Willamette River or flooding events to exceed the height of the seawall. The vaults were designed in 2008 and were structurally designed to meet the then current building code. It is noteworthy that the vaults and equipment are not critical infrastructures as defined by the Oregon Resilience Plan. Priorities for preventing raw sewage overflows would take precedence to preventing these vaults from flooding.

Based on the Oregon Department of Geology and Mineral Industries, all of the area near Burnside Street from the Willamette River west up to NW 1st Avenue are subject to a high liquefaction hazard during a significant seismic event. The balance of Downtown has a moderate liquefaction hazard. Conversely, the same area from the River to NW 1st Avenue has a strong earthquake hazard for shaking while the areas further to the west have a severe hazard for earthquake shaking. The area where the vaults are located is flat and does not have a landslide hazard. The vaults and equipment are not a critical utility and restoration would have a much lower priority than the critical wastewater facilities including the Ankeny Pump Station.

While the existing site is subject to liquefaction, the same is true for the entire region from the Willamette River west. The impact on the vaults during an earthquake are difficult to predict because it will depend on the severity and duration of the earthquake, groundwater levels at the time of the event and the nature of the soils below the structures. The most likely damage would be pipe dislocation at the entrance to the vaults and possibly minor floatation. If the earthquake were to take place when the river is near flood stage, floatation could be problematic. Equipment inside of the vault will be replaced and will be anchored using the latest building codes. Consequently, damage to the equipment is not anticipated.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 4, Goals 4.A through 4.D of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 4: Design and Development.

CHAPTER 5: HOUSING

Goal 5.A: Housing diversity

Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

Goal 5.B: Equitable access to housing

Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

Goal 5.C: Healthy connected city

Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

Goal 5.D: Affordable housing

Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

Goal 5.E: High-performance housing

Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

Findings: The proposal is within an Open Space zone, in which housing is a prohibited use. As such, the proposal will not reduce the availability of housing or the ability to provide new diverse, equitable, connected, affordable, high performance housing. There are no policies in this Chapter of the Comprehensive Plan that are specifically applicable to this request. The proposal is not in

conflict with the policies that implement Chapter 5, Goals 3.A through 3.E of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 5: Housing.

CHAPTER 6: ECONOMIC DEVELOPMENT

Goal 6.A: Prosperity. *Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:*

- *Create opportunity for people to achieve their full potential.*
- *Improve public health.*
- *Support a healthy environment.*
- *Support the fiscal well-being of the city.*

Goal 6.B: Development. *Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.*

Goal 6.C: Business district vitality. *Portland implements land use policy and investments to:*

- *Ensure that commercial, institutional, and industrial districts support business retention and expansion.*
- *Encourage the growth of districts that support productive and creative synergies among local businesses.*
- *Provide convenient access to goods, services, and markets.*
- *Take advantage of our location and quality of life advantages as a gateway to world class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.*

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 6.9 Small business development. Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policy as the nearby Portland Saturday Market has over 350 members, and most, if not all, are small business owners. Providing odor treatment for the Ankeny Pump Station benefits the small businesses of the Portland Saturday Market.

Policy 6.33 Central City. Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as treating odors from the Ankeny Pump Station supports commerce, employment, arts, culture, and tourism by improving environmental conditions (air quality) and the user experience in the heavily visited Waterfront Park and the Portland Saturday Market.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 6, Goals 6.A through 6.C of the

Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 6: Economic Development.

CHAPTER 7: ENVIRONMENT AND WATERSHED HEALTH

Goal 7.A: Climate

Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

Goal 7.B: Healthy watersheds and environment

Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

Goal 7.C: Resilience

Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

Goal 7.D: Environmental equity

All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

Goal 7.E: Community stewardship

Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 7.1 Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy. The odor treatment vaults are designed to minimize public exposure to odors emanating from the Ankeny Pump Station and Ankeny CSO shaft in a highly used area of Waterfront Park. This will directly benefit users of the area around the Ankeny Pump Station, including the Portland Saturday Market, Ankeny Plaza, Waterfront Park, and the Greenway Trail. Any development on the site would be required to comply with current code provisions that have been adopted to implement this general environmental quality policy. The relevant provisions include, but are not limited to, the developments standards of the River Review and the BES Stormwater Management Manual. The proposed project is on a site zoned Open Space (OS) with Design (d), River Environmental (e), and River General (g) Overlays. The site is also within the Central City Plan District – River Sub-District.

Policy 7.9 Habitat and biological communities. Improve, or support efforts to improve, fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- *Are rare or declining.*
- *Support at-risk plant and animal species and communities.*
- *Support recovery of species under the Endangered Species Act, and prevent new listings.*
- *Provide culturally important food sources, including those associated with Native American fishing rights.*

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the vaults are in a developed area with limited wildlife habitat. The construction of the below-ground odor treatment vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of ground through excavation, the installation of vaults and equipment, and backfilling. The only vegetation disturbed consisted of lawn area within

Waterfront Park, and the majority of the disturbed lawn was replanted following vault installation. The permanent impacts to the ground surface consisted of the loss of 183 square feet of lawn due to the installation of access hatches and the treated air release stack.

The proposed upgrades to the odor treatment system will leave the existing below-ground vaults in place and replace the equipment inside the vaults. Approximately 80 square feet of lawn will be temporarily disturbed for worker and equipment access, and will be replanted as lawn following the upgrades. The upgrades will result in a permanent loss of approximately 12 additional square feet of lawn, due to the enlargement of one of the vaults from 24 square feet (4 feet by 6 feet) to 36 square feet (6 feet by 6 feet).

The installed odor treatment system and proposed upgrades do not impact any of the natural resource features identified for the Central Reach of the River District in the Willamette River Central Reach Natural Resources Protection Plan, which include:

- **Open Water:** The project is above and outside of the Willamette River.
- **Shallow Water Habitat:** There is no shallow water habitat on or adjacent to the site.
- **River Bank:** The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. The project is landward of the seawall and therefore does not impact the seawall.
- **Floodplain:** The project is outside of the 100-year floodplain.
- **Riparian Vegetation:** The project does not remove trees or shrubs. Previous impacts to park lawn from the installed vaults/hatches (a loss of 183 square feet of lawn) and proposed hatch enlargement (a loss of additional 12 square feet of lawn) are minor in terms of the natural functions/values provided by riparian vegetation (e.g., shade, habitat structure, etc.).

To mitigate for the construction of the vaults, 3,700 square feet around the Battleship Oregon Memorial will be planted with native species to improve corridor connectivity and migratory stopover habitat in Waterfront Park. This is consistent with the Willamette River Central Reach Natural Resources Protection Plan.

Policy 7.10 Habitat connectivity. Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- *Prevent and repair habitat fragmentation.*
- *Improve habitat quality.*
- *Weave habitat into sites as new development occurs.*
- *Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.*
- *Promote restoration and protection of floodplains.*

Policy 7.19 Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- *Rivers, streams, sloughs, and drainageways.*
- *Floodplains.*
- *Riparian corridors.*
- *Wetlands.*
- *Groundwater.*
- *Native and other beneficial vegetation species and communities.*
- *Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.*
- *Other resources identified in natural resource inventories.*

Policy 7.23 Impact evaluation. Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26, and other relevant Comprehensive Plan policies.

Policy 7.25 Mitigation effectiveness. Require that mitigation approaches compensate fully for adverse impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy: 1. On the site of the resource subject to impact with the same kind of resource; if that is not possible, then 2. Off-site with the same kind of resource; if that is not possible, then 3. On-site with a different kind of resource; if that is not possible, then 4. Off-site with a different kind of resource.

Policy 7.26 Improving environmental conditions through development. Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy these policies. The odor treatment vaults are in Open Space within the Willamette Greenway. The construction of the vaults did not result in significant detrimental impacts to natural resources and functional values, and the proposed upgrades to the odor treatment system also will not result in significant detrimental impacts to habitat. As described in the response to Policy 7.9, above, the subject area, which is in the developed Waterfront Park and separated from the Willamette River by a seawall, does not contain the natural resource features in the Central Reach of the River District identified in the Willamette River Central Reach Natural Resources Protection Plan, including: open water, shallow water habitat, river bank, floodplain, or riparian vegetation.

The construction of the below-ground odor treatment vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of ground through excavation, the installation of vaults and equipment, and backfilling. The only vegetation disturbed consisted of lawn area within Waterfront Park, and the majority of the disturbed lawn was replanted following vault installation. The permanent impacts to the ground surface consisted of the loss of 183 square feet of lawn due to the installation of access hatches and the treated air release stack.

The proposed upgrades to the odor treatment system will leave the existing below-ground vaults in place and replace the equipment inside the vaults. Approximately 80 square feet of lawn will be temporarily disturbed for worker and equipment access, and will be replanted as lawn following the upgrades. The upgrades will result in a permanent loss of approximately 12 additional square feet of lawn, due to the enlargement of one of the vaults from 24 square feet (4 feet by 6 feet) to 36 square feet (6 feet by 6 feet).

The proposed mitigation plan is designed to compensate for the temporary and permanent impacts described above through: (1) restoring areas of temporary lawn disturbance; and (2) planting native shrubs and forbs in an approximately 3,700-square foot area within Waterfront Park (at the Battleship Oregon Memorial) to weave habitat into the park that will benefit corridor connectivity and migratory stopover habitat. The proposed mitigation plan is being coordinated with Portland Parks & Recreation so that it can occur within Waterfront Park (on-site) and as close to the violation as possible. The lost resource in the case of the violation and the proposed upgrades to the odor treatment system is park lawn, which is primarily for recreational use and serves as a contrast to the built elements of Waterfront Park. Areas of temporary lawn disturbance were restored as lawn following the construction of the odor treatment system in 2008/2009, and areas of temporary lawn disturbance associated with the upgrades will be restored as lawn following the upgrades. In addition, a 3,700-square foot area in Waterfront Park at the Battleship Oregon Memorial will be enhanced through planting of native shrubs and forbs to improve habitat

connectivity and migratory stopover habitat. BES or its designee will monitor and maintain the mitigation plantings to ensure successful establishment.

The proposed existing odor treatment system and proposed upgrades do not impact any of the natural resource features identified for the Central Reach of the River District in the Willamette River Central Reach Natural Resources Protection Plan, which include:

- **Open Water:** The project is above and outside of the Willamette River.
- **Shallow Water Habitat:** There is no shallow water habitat on or adjacent to the site.
- **River Bank:** The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. The project is landward of the seawall and therefore does not impact the seawall.
- **Floodplain:** The project is outside of the 100-year floodplain.
- **Riparian Vegetation:** The project does not remove trees or shrubs. Previous impacts to park lawn from the installed vaults/hatches (a loss of 96 square feet of lawn) and the proposed hatch enlargement (a loss of additional 12 square feet of lawn) are minor in terms of the natural functions/values provided by riparian vegetation (e.g., shade, habitat structure, etc.). The mitigation plan is designed to compensate for temporary and permanent impacts through: (1) restoring areas of temporary lawn disturbance, and (2) planting native shrubs and forbs in an approximately 3,700-square foot area within Waterfront Park to weave habitat into the park.

Policy 7.33 Fish habitat. Provide adequate intervals of ecologically-functional shallow water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the project is above and outside of the Willamette River. The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. There is no shallow water habitat on or adjacent to the site.

Policy 7.35 River bank conditions. Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly river bank conditions.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the project is above and outside of the Willamette River. The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. This project does not provide opportunity for river bank rehabilitation.

7.38 Sensitive habitats. Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the odor treatment vaults are in Waterfront Park. There are no native grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, or other key habitats for native wildlife on or near the project site that would be affected by the project. The proposed mitigation plan includes planting native shrubs and forbs in an approximately 3,700-square foot area of existing lawn and ornamental planter beds, which will improve habitat structure for migratory birds.

Policy 7.39 Riparian corridors. Increase the width and quality of vegetated riparian buffers along the Willamette River.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the odor treatment vaults are in Waterfront Park, which is maintained as an active, urban park by Portland Parks & Recreation. The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. No trees or shrubs were removed during the construction of the vaults, and no trees or shrubs will be removed for the upgrade of the odor treatment system. Due to the Master Plan for the Park, there is no opportunity to increase the width or quality of riparian habitat at the location of the vaults. However, vegetation within an approximately 3,700-square foot area in Waterfront Park will be enhanced through planting of native shrubs and forbs.

Policy 7.40 Connected upland and river habitats. Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the odor treatment system is outside of the 100-year floodplain. Construction of the vaults did not remove trees or shrubs. Previous impacts to park lawn from the installed vaults/hatches (a loss of 96 square feet of lawn) and the proposed hatch enlargement (a loss of additional 12 square feet of lawn) are minor in terms of the natural functions/values provided by riparian vegetation (e.g., shade, habitat structure, etc.). As mitigation for installation of the vaults, vegetation within an approximately 3,700-square foot area in Waterfront Park will be enhanced through planting of native shrubs and forbs, which will provide a small pocket of enhanced habitat quality in Waterfront Park.

Policy 7.41 River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the two vaults are within the 50-foot setback of the River Overlay. The PCC requires that development within the Willamette Greenway setback be either river-dependent or river-related (PCC 33.475.210.D.2). A Greenway Goal Exception is required for development that is not river-dependent or river-related.

Basic utilities are not considered river-dependent nor river-related (PCC 33.910). The location of the odor treatment vaults within the setback requires a Greenway Goal Exception. The Applicant, BES, seeks a Greenway Goal Exception and Comprehensive Plan Amendment to allow these vaults to remain in their current location within the Willamette River Greenway setback area.

Waterfront Park is about 37 acres, and extends along approximately 1.5 miles of the Willamette River shoreline. About 396,000 square feet of the park is within the 50-foot Greenway setback. The odor treatment vaults are 1,083 square feet (less than 0.3 percent of the area within the Greenway setback). The odor treatment vaults do not significantly reduce lands available for river-dependent or river-related uses within Waterfront Park.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 7, Goals 7.A through 7.D of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 7: Environment and Watershed Health.

CHAPTER 8: PUBLIC FACILITIES AND SERVICES

Goal 8.A: Quality public facilities and services

High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

Goal 8.B: Multiple benefits

Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

Goal 8.C: Reliability and resiliency

Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

Goal 8.D: Public rights-of-way

Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Goal 8.E: Sanitary and stormwater systems

Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.F: Flood management

Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

Goal 8.G Water

Reliable and adequate water supply and delivery systems provide sufficient quantities of high quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.H: Parks, natural areas, and recreation

All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Goal 8.I: Public safety and emergency response

Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

Goal 8.J: Solid waste management

Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

Goal 8.K: School facilities

Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications

All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services

Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

Findings: The above goals are implemented through the Comprehensive Plan policies listed under

the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 8.3 Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:

- *Public rights-of-way, streets, and public trails*
- *Sanitary sewers and wastewater treatment*
- *Stormwater management and conveyance*
- *Flood management*
- *Protection of the waterways of the state*
- *Water supply*
- *Police, fire, and emergency response*
- *Parks, natural areas, and recreation*
- *Solid waste regulation*

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the Ankeny Pump Station and Westside CSO are critical elements of the City's wastewater infrastructure in Waterfront Park. The odor treatment system minimizes public exposure to odors emanating from the CSO and Ankeny Pump Station wet well in a manner that does not interfere with the City's delivery of other public urban services.

Policy 8.4 Supporting facilities and systems. Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with this policy as the odor treatment system is an accessory use to the Ankeny Pump Station and Westside CSO; it will minimize public exposure to odors emanating from these elements of the City's sewer system.

Policy 8.32 Community benefits. Encourage providing additional community benefits with large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

Policy 8.33 Community knowledge and experience. Encourage public engagement processes and strategies for large public facility projects to include community members in identifying potential impacts, mitigation measures, and community benefits.

Policy 8.35 Natural systems. Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

Policy 8.36 Context-sensitive infrastructure. Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

Policy 8.37 Site- and area-specific needs. Allow for site- and area-specific public facility standards, requirements, tools, and policies as needed to address distinct topographical, geologic, environmental, and other conditions.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the odor treatment vaults improve the user experience of Waterfront Park, the Greenway Trail, and the Portland Saturday Market by minimizing public exposure to odors emanating from the CSO and Ankeny Pump Station wet well. The Portland Saturday Market is a central economic engine for the historic Old Town/Chinatown neighborhood, and attracts an

estimated one million visitors to the area each year. Providing odor control and treatment for the pump station supports public health, the environment, and the fiscal well-being of the City.

The construction of the vaults did not result in significant detrimental impacts to natural resources and functional values, and the proposed upgrades to the odor treatment system also will not result in significant detrimental impacts. The location of the odor treatment vaults does not contain the natural resource features identified in the Willamette River Central Reach Natural Resources Protection Plan, including: open water, shallow water habitat, river bank, floodplain, or riparian vegetation.

The construction of the below-ground odor treatment vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of ground through excavation, the installation of vaults and equipment, and backfilling. The only vegetation disturbed consisted of lawn area within Waterfront Park, and the majority of the disturbed lawn was replanted following vault installation. The permanent impacts to the ground surface consisted of the loss of 96 square feet of lawn due to the installation of two vault access hatches.

The proposed upgrades to the odor treatment system will leave the existing below-ground vaults in place and replace the equipment inside of the vaults. Approximately 80 square feet of lawn will be temporarily disturbed for worker and equipment access, and will be replanted as lawn following the upgrades. The upgrades will result in a permanent loss of approximately 12 additional square feet of lawn, due to the enlargement of one of the vaults from 24 square feet (4 feet by 6 feet) to 36 square feet (6 feet by 6 feet).

The proposed mitigation plan is designed to compensate for the temporary and permanent impacts described above through: (1) restoring areas of temporary lawn disturbance; and (2) planting native shrubs/forbs in an approximately 3,700-square foot area within Waterfront Park to weave habitat into the park.

During construction, the contractor will access the site as shown on the Site Access and Work Limits Plan (Exhibit C.3). The pedestrian path between the two vaults will be temporarily closed when the hatch is enlarged and when the equipment is installed. The larger Greenway Trail will remain open during most of the construction window. Short-term interruption may be required for the delivery and unloading of equipment, during the installation of the equipment into the vaults and during testing. Pedestrian traffic would be routed around the area when disruption is required. The City will provide outreach and a public engagement process to inform users of the upcoming construction and how it could affect the use of the area (see the Public Involvement Plan in Exhibit A.4).

Policy 8.48 Corridors and City Greenways. Ensure public facilities located along Civic Corridors, Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors. Corridor and City Greenway goals and policies are listed in Chapter 3: Urban Form.

Consistent with this policy, the findings above in this report under Chapter 3: Urban Form demonstrate that this proposal supports the multiple objectives established for Corridors and City Greenways.

Policy 8.57 Public access requirements. Require public access and improvement of Major Public Trails as shown in Figure 8-2 — Major Public Trails. Major Public Trails include regional trails and other significant trail connections that provide for the movement of pedestrians, cyclists, and other users for recreation and transportation purposes.

Policy 8.58 Trail and City Greenway coordination. Coordinate the planning and improvement of trails as part of the City Greenways system. See Chapter 3: Urban Form for additional policies related to City Greenways.

As noted in the applicant's narrative (Exhibits A.1 and A.7), the proposed project is consistent with these policies as the during construction, the contractor will access the site as shown on the Construction Access Plan. The pedestrian path between the two vaults will be temporarily closed when the hatch is enlarged and when the equipment is installed. The larger Greenway Trail will remain open during most of the construction window. Short-term interruption may be required for the delivery and unloading of equipment, during the installation of the equipment into the vaults, and during testing. Pedestrian traffic would be routed around the area when disruption is required. The City will provide outreach and a public engagement process to inform users of the upcoming construction and how it could affect the use of the area.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 8, Goals 8.A through 8.M of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 8: Public Facilities and Services.

CHAPTER 9: TRANSPORTATION

GOAL 9.A: Safety

The City achieves the standard of zero traffic-related fatalities and serious injuries. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through equity, engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland's transportation system.

Goal 9.B: Multiple goals

Portland's transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places

Portland's transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

GOAL 9.D: Environmentally sustainable

The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders' reliance on private vehicles.

GOAL 9.E: Equitable transportation

The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

GOAL 9.F: Positive health outcomes

The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

GOAL 9.G: Opportunities for prosperity

The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people

and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

GOAL 9.H: Cost effectiveness

The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

GOAL 9.I: Airport Futures

Promote a sustainable airport (Portland International Airport [PDX]) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.

Findings: The above goals are implemented through the Comprehensive Plan policies listed under the goals. The policies cited below are applicable to the proposal and, for the reasons stated under each policy, the proposal is either supportive or not in conflict with the policy.

Policy 9.17 Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.

Policy 9.18 Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

Policy 9.19 Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

Policy 9.20 Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21 Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

The Greenway Trail runs through Waterfront Park, past the Ankeny Pump Station and Portland Saturday Market. The Greenway Trail is a multi-modal Regional Trail and an important part facility for pedestrian and bicyclists. Treating the foul air from the City's wastewater conveyance system benefits public health including the users of the Greenway Trail. Treating the foul odor from the Ankeny Pump Station will benefit the public and the users of the Greenway Trail.

As demonstrated in the findings under each policy above, the proposal is either supportive or not in conflict with the applicable policies that implement Chapter 9, Goals 9.A through 9.I of the Comprehensive Plan. Therefore, on balance, the proposal is consistent with the relevant Goals and Policies of the adopted Comprehensive Plan in Chapter 4: Design and Development.

CHAPTER 10: LAND USE DESIGNATIONS AND ZONING

Goal 10.A: Land use designations and zoning. *Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.*

Findings: This Chapter and Goal relate to changes to land use designations on the Comprehensive Plan Map and Zoning Map, and amendments to the Zoning Code. No changes are proposed to the land use designations on the Comprehensive Plan Map or Zoning Map, and no amendments to the Zoning Code are proposed. Therefore, there are no policies from this Chapter that apply to this request. Therefore, on balance, the proposal is consistent with the relevant Goal and Policies of the adopted Comprehensive Plan in Chapter 10: Land Use Designations and Zoning.

3) 33.840.200 City Greenway Goal Exception Approval Criteria

33.840.200 Approval Criteria Requests for a greenway goal exception will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

Findings: The odor treatment system vaults are located in the River overlay zones and within the 50-foot wide River setback along the Willamette River, and must be approved via a Greenway Goal Exception. City approval criteria for Greenway Goal exceptions and responses are presented below.

A. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;

Findings: The odor treatment system was installed in 2008/2009, and was proposed for upgrades as part of the Ankeny Pump Station and Ankeny CSO shaft, which conveys municipal wastewater flows and is considered a Basic Utility use. The odor treatment vaults are partially within public right-of-way (Burnside Bridge) and on Parks-owned property in the Open Space base zone.

Zoning Code Section 33.100.100 B. 5. c lists the Basic Utility use category as a conditional use within the Open Space base zone. The existing Ankeny Pump Station has Automatic Conditional Use Status, since it was established prior to the current zoning regulations for the site (see City file # EA 01-000265 PC; according to Portland Zoning Code Section 33.815.030). Further, no new uses are proposed within the OS zone; and the proposed work does not increase either floor area or exterior improvement area by more than 1,500 square feet and does not require Conditional Use Review (33.815.040 B. 1. c and d). Therefore the proposed work is allowed as a conditional use and this criterion is met.

B. The proposal will not have a significant adverse effect on identified natural resources and functional values of the site or on abutting sites or water areas;

Findings: Identified natural resources and functional values are extremely limited to non-existent on and around the site, as described in detail on pages 5 and 6 of this report. Waterfront Park is a recreational area, not a natural area, of the Willamette Greenway. It is a heavily developed and highly managed public park that hosts a number of highly attended events and festivals from May through September.

Construction of the vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently replanted. Total impacts to landscaping included replacing 183 square feet of turf grass with the access hatches. The proposed project will replace one of the Media Vault's access hatches with similar but slightly larger hatches (6 feet by 6 feet, increasing the hatch area by 12 square feet). No other vegetation will be impacted.

Due to extensive development at the location of the vaults, seawall, and limited remnant riparian vegetation, wildlife use is limited in Waterfront Park (Central City 2035). The project will not impact any resource features identified in the NRPP for the River District:

- **Open water** – The Willamette River is outside of the project site, separated from the project area by the sea wall, and will not be directly affected by the project. The project will not have a significant adverse effect on abutting open water.
- **Shallow water habitat** – Due to the existing seawall, there is no shallow water habitat at the project site. The project will not affect shallow water habitat.
- **River bank** – The shoreline is a seawall, and will not be affected.
- **Floodplain** – The project site is not within the floodplain and is not indicated as an area of flooding.

Given the relatively small project area, combined with the lack of natural features at the project site, the project will not impact the resources or functions identified in the NRPP for the River District inventory site. This criterion is met.

C. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;

Findings: Findings presented above for state criterion OAR 4; 660-004-0022(6)(b) describe how the vaults affect less than 0.3 percent of the Waterfront Park river frontage. These findings demonstrate that the odor treatment vaults do not significantly reduce lands available for river-dependent or river-related uses within the City. This criterion is met.

D. The proposal will provide a significant public benefit;

Findings: As described above in findings for state criterion OAR 4; 660-004-0022(6)(c), treating odors from the Ankeny Pump Station and CSO shaft will have a significant public benefit given the proximity of the pump station to the Portland Saturday Market and the Greenway Trail, and the overall high usage of Waterfront Park. This criterion is met.

E. The intensification of existing uses or changes in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historic, and recreational qualities of such lands;

Findings: Findings presented above for state criterion OAR 4; 660-004-0022(6)(a) describe in detail how the proposal continues to preserve the natural, scenic, historic and recreational qualities existing at the site. There is no intensification of use associated with the proposal and those findings are incorporated here by reference. This criterion is met.

F. The proposal cannot reasonably be accommodated in a location that does not require a goal exception;

Findings: An evaluation of the Ankeny Pump Station in 2020 determined that there was no room within the existing pump station to accommodate the odor treatment system (see Exhibit A.5 in the application case file). Odor treatment alternatives were evaluated in a Technical Memorandum dated January 9, 2008 (REV 1) by West Yost Associates (included in the Bases of Design Memo in Exhibit A.3.a in the application case file). All of the alternatives evaluated would have required a Goal Exception. Technical considerations restricting the location of the vaults are described in detail in the applicant's Exhibit A.7 in the application case file.

Perhaps equally as worthy of consideration in this case is the fact that the underground vaults already exist. The applicant concedes that the required land use approval was not initially received for the construction of the odor treatment system vaults. Although the vaults were not properly permitted, it would be cost prohibitive to construct new facilities elsewhere; further, the upgraded odor treatment system can be accommodated inside the existing vaults. New vaults would cost \$4.9 million more than using the existing vaults. Building new vaults would cause unnecessary disturbance to Waterfront Park and the Greenway Trail, and untreated air would need to be pumped farther for treatment, which would incur greater public costs and increase the chance for untreated air to be released.

Moving the vaults to the west, outside of the setback, would place them within the Japanese American Historical Plaza. The Oregon Nikkei Endowment conceived and guided the Japanese American Historical Plaza with help from Portland Parks & Recreation, Metropolitan Arts Commission, Portland Development Commission, and Shokookai of Portland. Assistance was provided by Meyer Memorial Trust, The Collins Foundation, Weyerhaeuser Foundation, Rose E. Tucker Charitable Trust, Samuel I. Newhouse Foundation, PacifiCorp Foundation, and Nike, Inc. Significant coordination with these stakeholders would need to occur to move the odor treatment system into the plaza. This is not a reasonable alternative, and the upgraded odor treatment system can be accommodated in the existing vaults.

Considering other underground utilities already exist under Waterfront Park in the vicinity of the Ankeny Pump Station and the Westside CSO, no other locations would accommodate the odor treatment system. The proposal cannot reasonably be accommodated in a location that does not require a goal exception and this criterion is met.

G. Of all other potential locations within the Greenway that require a goal exception, there are none with significantly better long-term environmental, economic, social, and energy consequences after mitigation measures;

Findings: During the initial siting of the odor treatment vaults (2008), several factors were considered, including:

- Design parameters to accommodate the ventilation rate of the Ankeny wet well and the Ankeny shaft;
- Odor control design criteria;
- Minimize impacts to Waterfront Park; and
- Placement of the facility to be close to the pump station, but away from where large groups of people congregate (such as the Portland Saturday Market and Ankeny Plaza).

Table 5 summarizes and compares the three alternatives considered in 2008.

Table 5. Comparison of Odor Treatment Location and Systems in 2008

Alternative	Environmental	Social	Economic	Energy
Location A	Requires the largest footprint (approx. 7,500 square feet). Would be placed north of the Burnside Bridge. One 29-inch dbh oak would be removed.	There would be atmospheric conditions in the winter where biofilters would produce a visible water vapor plume. Turf may be placed over the top, but no trail.	Less expensive to construct because it would be housed in one large vault.	Fan would use about 75,000 kW-H per year of electricity.
Location B*	Requires about 500 square feet. Would be placed north of the Burnside Bridge. No trees would be removed.	Turf and trail can be placed over the top.	Construction is higher than Location A because two vaults would be constructed.	Fan would use about 75,000 kW-H per year of electricity.
Location C	Requires about 500 square feet. Two alternative locations – on piers in the bridge pier well east of the seawall, or above-ground in the public restroom structure (restroom structure is no longer there).	These would be above-grade structures. Requires Vector truck access to remove the re-install carbon.	Most expensive to construct because piers in the bridge pier well, east of the seawall would be required. Requires the most maintenance cost due to access.	Fan would use about 75,000 kW-H per year of electricity.

Note: *Location B alternative was constructed in 2008/2009.

The vaults were sited in their current location because:

- It is the closest available location to the Ankeny Pump Station (most efficient to operate).
- It provides a location for the treated air release stack that discharges away from direct public exposure.
- The vaults will have minimal impact to Waterfront Park and the Greenway Trail.

- The access hatches and treated air release stack will blend into the surrounding developed portion of the park.

For the current 2020 proposal to rehabilitate the existing odor treatment system, replacing the equipment within the existing vaults would be preferred over constructing new vaults in terms of environmental, social, economic, and energy consequences.

Environmental – Approximately 80 square feet of lawn will be temporarily disturbed to enlarge one access hatch. All but 12 square feet of this area will be restored.

Social – The odor treatment system adds a significant benefit to the people visiting the area around the Ankeny Pump Station, Portland Saturday Market, and the Greenway Trail. There is no room west or south of the pump station within the Greenway to house the odor treatment system due to existing underground utilities and park development (the Portland Saturday Market and Ankeny Plaza). The vaults cannot be constructed under the Burnside Bridge because of the bridge columns. Locating the vaults farther to the north would place them in the Japanese American Memorial Plaza and require the removal of several large trees.

Economic – Replacing the odor treatment equipment using the existing vaults will cost about \$1.7 million. Removing the existing vaults and then constructing new vaults outside of the Greenway setback would cost approximately \$6.6 million.

Energy – The odor treatment system needs to be close to the pump station to effectively treat the air. The farther the treatment system is from the pump station, the more energy is required to blow the untreated air to the treatment vaults. The vaults are as close as possible to the pump station, therefore being the most energy efficient location available.

No other locations within the Greenway would have significantly better long-term environmental, economic, social, or energy consequences than replacing the equipment and treatment system within the existing vaults. This criterion is met.

H. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and

Findings: The odor treatment system is part of the overall operating system of the Ankeny Pump Station and compatible with the other adjacent uses. It provides a significant public benefit by treating the foul air of the Ankeny Pump Station, which is adjacent to the Portland Saturday Market. The access hatches and the treated air release stack blend into the surrounding area and do not impede the recreational uses in and around the area. This criterion is met.

I. Development and fills riverward of the river setback must show that there are no other practical on-site alternatives that achieve the same level of public benefit.

Findings: There will be no development or fill riverward of the river setback. This criterion does not apply.

33.865.100 River Review / River Violation Review Approval Criteria.

Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

Findings: The unpermitted installation of the odor treatment system within the River Environmental overlay zone is a violation of the overlay zone and must be corrected. The applicant proposes to correct the violation through River Review and to enlarge the existing access hatch in the existing Media Vault by 12 square feet. The River Review criteria that apply to these requests are in Zoning Code Sections 33.865.100 A and 33.865.120. As the Media Vault is one component of the odor treatment system it will be reviewed as such, and findings have been provided by the applicant for the project as a whole, below.

33.865.100 A. Development within the River Environmental overlay zone. The applicant's supplemental narrative must demonstrate that all of the following are met:

2. All other proposals in the River Environmental overlay zone:

- a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;**

Findings: The odor treatment system that was installed in 2008/2009 and that is proposed for upgrades is associated with the Ankeny Pump Station and Ankeny CSO shaft, a system that conveys municipal wastewater flows and is considered a Basic Utility. The odor treatment vaults are partially within public (Burnside Bridge) right-of-way and on property in the Open Space base zone, and the pump station is on property in the Open Space base zone. As noted in findings above, the existing Ankeny Pump Station has Automatic Conditional Use Status, since it was established prior to the current zoning regulations for the site.

The construction of the below-ground odor treatment vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of ground through excavation, the installation of vaults and equipment, and backfilling. The only vegetation disturbed consisted of lawn area within Waterfront Park, and the majority of the disturbed lawn was replanted following vault installation. The permanent impacts to the ground surface consisted of the loss of 183 square feet of lawn due to the installation of vault access hatches and the treated air release stack.

The proposed upgrades to the odor treatment system will leave the existing below-ground vaults in place and replace the equipment inside of the vaults. Approximately 80 square feet of lawn will be temporarily disturbed for worker and equipment access, and will be replanted as lawn following the upgrades. The upgrades will result in a permanent loss of approximately 12 additional square feet of lawn, due to the enlargement of one of the vault hatches from 24 square feet (4 feet by 6 feet) to 36 square feet (6 feet by 6 feet).

The installed odor treatment system and proposed upgrades do not impact any of the natural resource features identified for the Central Reach of the River District in the NRPP, which include:

- **Open Water:** The project is above and outside of the Willamette River.
- **Shallow Water Habitat:** There is no shallow water habitat on or adjacent to the site.
- **River Bank:** The river bank in the project vicinity consists of the vertical seawall that extends the length of the Waterfront Park. The project does not impact the seawall.
- **Floodplain:** The project is outside of the 100-year floodplain.
- **Riparian Vegetation:** The project does not remove trees or shrubs. Previous impacts to park lawn from the installed vaults/hatches (a loss of 183 square feet of lawn) and the proposed hatch enlargement (a loss of additional 12 square feet of lawn) are minor in terms of the natural functions/values provided by riparian vegetation (e.g., shade, habitat structure, etc.).

The Willamette River is a scenic resource, and as described above, the project will not obstruct views of the river, especially considering its location adjacent to the Burnside Bridge.

The construction of the vaults in 2008/2009 had the smallest construction footprint of the alternatives considered, thus minimizing the area disturbed during construction. No trees or shrubs were removed. Using the existing vaults for the upgraded odor treatment system would have the least impacts to the Greenway and Waterfront Park versus construction of new vaults. Therefore, the proposed development minimizes the loss of identified natural or scenic resources and functional values. Additionally, the accessory structures are allowed in the OS zone as accessory to the Ankeny Pump Station, an automatic conditional use. This criterion is met.

b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;

Findings: The location of the two vaults has fewer detrimental impacts to natural and scenic resources and functional values than any other practicable alternative.

Location – The odor treatment facilities need to be close to the pump station to effectively treat the air; in addition, energy needs for pumping untreated air to the treatment system increase with distance from the source. These considerations limit potential locations for the treatment vaults and air stack to the area in close proximity to the pump station.

An evaluation of the Ankeny Pump Station in 2020 determined that there was no room within the existing pump station to accommodate the odor treatment system. The pump station site is also fully within the River Environmental overlay zone. Odor treatment alternatives were evaluated in a Technical Memorandum dated January 9, 2008 by West Yost Associates. All of the alternatives evaluated would place the odor treatment system within the River Environmental Overlay zone.

Given the other underground utilities at Waterfront Park in the vicinity of the Ankeny Pump Station and the Westside CSO, there are no other locations that can accommodate the odor treatment system, either inside or outside of the River Environmental Overlay zone. Locating the vaults west or southwest of the pump station, outside of the River Environmental Overlay zone, is not feasible due to underground utilities and park development, including Ankeny Plaza and the Portland Saturday Market. Locating the vaults immediately north or northwest of the pump station, under the Burnside Bridge, also was not an option due to the bridge columns and subsurface foundations.

On the north side of the bridge, where the vaults were installed, the east portion of Waterfront Park is inside of the River Environmental Overlay zone. However, locating the vaults in the area west of where the vaults were sited would put them in part of the Japanese American Historical Plaza and would require the removal of several mature trees and may conflict with a City stormwater facility; this would result in greater natural resource impacts than the location ultimately selected, which is in a lawn area adjacent to the concrete Greenway Trail.

The proposed upgrades to the odor treatment system have been selected/designed to fit within the existing vaults, limiting the amount of ground disturbance needed to complete the improvements.

Alternative locations for equipment upgrades would result in greater impacts than the proposed approach.

Design and Construction – Prior to the installation of the odor treatment vaults in 2008/2009, the City completed an alternatives analysis of different odor treatment technologies (designs) to meet the odor control needs of the site. Technologies evaluated included a sand biofilter system, a proprietary media biofilter system, and an activated carbon system. The proprietary media biofilter system was ultimately selected and installed.

The sand biofilter alternative was eliminated based on the relatively large area needed to accommodate that type of system. The sand filter would have been approximately 10 times the size of the selected proprietary media biofilter and would have resulted in a much larger disturbance area for installation. The activated carbon system would have had approximately the same footprint as the proprietary media filter but would have required more long-term maintenance. All of the alternatives evaluated included a treated air release stack that would discharge exhaust above grade level and away from direct public exposure.

The proposed upgrades to the odor treatment system are designed to replace the failed equipment with new, functioning equipment in the existing below-ground vaults. The only proposed changes to above-ground features include enlarging an access hatch to the media vault by 12 square feet (replacing a 6 foot by 4 foot hatch with a 6 foot by 6 foot access hatch). Construction equipment and personnel will access the existing vaults from NW Naito Parkway, using existing pavement beneath and adjacent to the north side of the Burnside Bridge. Alternative designs and

construction methods would not result in less impact to natural or scenic resources and functional values. This criterion is met.

- c. *There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat within the Central Reach, or other sites in the Central Reach where environmental restoration is in progress or complete;***

Findings: The previously installed odor treatment system did not, and the proposed upgrades will not, result in significant detrimental impacts on any of the following:

- Areas of the site reserved for mitigation – The odor treatment vaults are within Waterfront Park, with a portion in the Burnside Bridge right-of-way and a portion on park property managed by Portland Parks & Recreation. The temporary and permanent disturbance areas for the initial system installation, and the proposed upgrades are not within or near areas previously or currently reserved for mitigation. The mitigation proposed as part of the violation correction has been coordinated with Portland Parks & Recreation and will be conducted approximately 1,000 feet south of the Burnside Bridge, at the Battleship Oregon Memorial in Waterfront Park. The Battleship Oregon Memorial is also not an area reserved for mitigation.
- Areas within the River Environmental Overlay zone not proposed for development – The odor treatment system is within the developed Waterfront Park. In the immediate vicinity of the project, in the River Environmental Overlay zone adjacent to the Willamette River, the park includes areas of lawn and the concrete Greenway Trail. The areas of temporary lawn disturbance for the initial odor treatment vault installation were restored as lawn following construction, and temporary lawn disturbance areas for the proposed equipment upgrades and vault hatch replacement will also be restored as lawn following construction.
- Downstream river habitat within the Central Reach – The project site is separated from the Willamette River by a vertical seawall, which disconnects the site from the active channel, floodplain, and functioning riverine habitat. The installation of the odor treatment system did not involve the removal of riparian trees or shrubs, and the proposed upgrades will not disturb vegetation other than a small amount of lawn. The odor treatment system did not add pollutant-generating activities to the site and does not otherwise impact downstream water quality, and the very small amount of impervious surface added in the form of steel vault hatches is negligible in terms of influence on Willamette River flows.
- Other environmental restoration sites in the Central Reach – The project site is within the developed Waterfront Park, within and adjacent to the developed Burnside Bridge right-of-way. It is not near any environmental restoration sites and does not present any potential for adversely affecting restoration sites. This criterion is met.

d. Mitigation:

- (1) *The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for;***

Findings: The violation did not result in significant detrimental impacts on scenic or natural resources and functional values, and the proposed upgrades to the odor treatment system also will not result in significant detrimental impacts. The project site, which is in the developed Waterfront Park and separated from the Willamette River by a seawall, does not contain the

natural resource features identified in the Central Reach of the River District in the NRPP (i.e., open water, shallow water habitat, river bank, floodplain, and riparian vegetation). There are no identified scenic viewpoints within areas disturbed by the previous installation of the odor treatment system or the proposed upgrades, and the below-ground vaults and the 24-inch diameter treated air release stack do not obstruct views of the Willamette River.

The construction of the below-ground odor treatment vaults in 2008/2009 temporarily disturbed approximately 2,300 square feet of ground through excavation, the installation of vaults and equipment, and backfilling. The only vegetation disturbed consisted of lawn area within Waterfront Park, and the majority of the disturbed lawn was replanted following vault installation. The permanent impacts to the ground surface consisted of the loss of 183 square feet of lawn due to the installation of two vault access hatches.

The proposed upgrades to the odor treatment system will leave the existing below-ground vaults in place and replace the equipment inside of the vaults. Approximately 68 square feet of lawn will be temporarily disturbed for worker and equipment access, and will be replanted as lawn following the upgrades. The upgrades will result in a permanent loss of approximately 12 additional square feet of lawn, due to the enlargement of one of the vaults from 24 square feet (4 feet by 6 feet) to 36 square feet (6 feet by 6 feet).

The proposed mitigation plan is designed to compensate for the temporary and permanent impacts described above through: (1) restoring areas of temporary lawn disturbance; and (2) planting native shrubs/forbs in an approximately 3,700-square foot area within Waterfront Park. This criterion is met.

(2) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource;

Findings: The lost resource in the case of the violation and the proposed upgrades to the odor treatment system is park lawn, which is primarily for recreational use and serves as a contrast to the built elements of Waterfront Park. Areas of temporary lawn disturbance were restored as lawn following the construction of the odor treatment system in 2008/2009, and areas of temporary lawn disturbance associated with the upgrades will be restored as lawn following the upgrades. This restoration replaces the same functions that occurred prior to development.

Additional mitigation will occur at the Battleship Oregon Memorial, about 1,000 feet south of the vault location. An approximately 3,700-square foot area will be enhanced through planting of native shrubs and forbs. The proposed plantings will weave a small patch of native habitat into Waterfront Park, which will improve habitat connectivity and stopover habitat for migratory species. This is consistent with the recommendations of the NRPP for the Central Reach of the River District. This criterion is met.

(3) The amount of natural resource mitigation due as compensation must be based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio or no less than 1.5:1 of mitigation area to project impact area, but may be more to address the following:

- ***The uniqueness of the resources and functional values impacted;***
- ***The relative condition of the mitigation area;***
- ***The distance between the impact area and mitigation area; and***
- ***The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions***

Findings: The amount of mitigation proposed exceeds the 1.5:1 ratio for both the combined temporary and permanent impacts resulting from the violation (3,700 square feet of mitigation for 2,300 square feet of impact).

The lost resource in the case of the violation and the proposed upgrades to the odor treatment system is park lawn, which is primarily for recreational use and serves as a contrast to the built elements of Waterfront Park. Areas of temporary lawn disturbance were restored as lawn following the construction of the odor treatment system in 2008/2009, and areas of temporary lawn disturbance associated with the upgrades will be restored as lawn following the upgrades. This restoration replaces the same functions that occurred prior to development.

The proposed mitigation area at the Battleship Oregon Memorial was identified by Portland Parks & Recreation as the most feasible option for native species planting, following an evaluation of several potential City-owned sites within the Willamette River Central Reach. Native species will be planted in planter beds at the Memorial and along SW Naito Parkway under a large oak tree. This area is mostly void of vegetation, including ground cover, with just a few non-native shrubs. The planting plan was developed by Portland Parks & Recreation to enhance the vegetative structure and native species diversity and fits within the constraints of a heavily used urban park. The plan features mainly shrub plantings as much of the planting area is under a mature oak tree canopy and cannot accommodate tree plantings due to visibility/safety concerns for park users and traffic along the adjacent SW Naito Parkway. The proposed mitigation plan will weave a small patch of native habitat into Waterfront Park, which will improve habitat connectivity and stopover habitat for migratory species. This is consistent with the recommendations of the NRPP for the Central Reach of the River District. The mitigation site is approximately 1,000 feet south of the vaults.

The mitigation plantings will be installed on approximately the same schedule as the proposed upgrades to the odor treatment system. BES will document the establishment of the full mitigation plan through monitoring and follow-up reporting as required under the development standards of PCC 33.248.090.G (Monitoring and Reporting). This criterion is met.

- (4) Mitigation must occur within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone. The applicant must own the mitigation site, possess a legal instrument that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation (such as an easement or deed restriction);**

Findings: The proposed mitigation plan includes temporary disturbance area restoration (of lawn grass) in the River Environmental overlay zone, and enhancement plantings within an area that is outside of but contiguous with the River Environmental overlay zone (Exhibit C.4). The proposed mitigation plantings are within Waterfront Park, on property owned by the City of Portland and managed by Portland Parks & Recreation. BES or its designee will monitor and maintain the mitigation plantings to ensure successful establishment. This criterion is met.

- (5) Mitigation must occur on-site when practicable, and ecologically beneficial. Factors to be considered when evaluating this criterion include:**
- **The potential for the long-term success of the restored resources and functional values in the mitigation area;**
 - **The amount, size, shape, and connectivity potential of on-site mitigation areas;**
 - **The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;**
 - **Contamination; and**
 - **Any other site specific issue or constraint;**

Findings: The proposed mitigation plan includes restoration of temporary impacts to existing conditions and planting 3,700 square feet on-site, within Waterfront Park, on property owned

by the City of Portland and managed by Portland Parks & Recreation. Both the restored lawn and the mitigation area are both within Waterfront Park and managed by Portland Parks & Recreation, the likelihood of long-term success for establishing the vegetation is high. Once established, the vegetation will provide the resources and functional values sought.

Development within Waterfront Park is guided by the Master Plan. Areas around both the project site and the Battleship Oregon Memorial are fully developed and consistent with the Master Plan. The proposed mitigation plan will provide a pocket of habitat within Waterfront Park that enhances corridor connectivity and migratory stopover habitat. The proposed mitigation plan has been coordinated with Portland Parks & Recreation to ensure that it does not conflict with future development activities (e.g., Better Naito) and is consistent with Portland Parks & Recreation's Master Plan and long-term management goals for Waterfront Park.

Neither the mitigation site nor the project site are known to be contaminated. This criterion is met.

(6) *If on-site mitigation is not practicable or ecologically beneficial, the applicant may perform mitigation off-site. The off-site mitigation must meet all other approval criteria in this Subparagraph and the following:*

- ***Mitigation must occur at a minimum 3:1 ratio of mitigation area to project impact area; and***
- ***The mitigation area must be located within the Willamette River Central Reach, shown on Map 475-1; and***

Findings: This criterion is not applicable. Off-site mitigation is not proposed.

(7) *The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.*

Findings: The requirements of PCC 33.248.090 are listed and addressed below.

PCC 33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

A. Plant Source. Plant materials must be native and selected from the Portland Plant List. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.

Findings: Native plants from the *Portland Plant List* are proposed. The requirements of this standard will be included in the mitigation plan specifications.

B. Plant Materials. The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.

Findings: The requirements of this standard will be included in the mitigation plan specifications.

C. Nuisance Plants. *Plants listed on the Nuisance Plant List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.*

Findings: Plants listed on the Nuisance Plant List are not proposed and will not be planted in the mitigation area.

D. Landscaped Area Preparation. *All new required mitigation areas must be cleared of groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the River Natural Overlay Zone, the River Water Quality Overlay Zone, or the River Environmental Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required mitigation area.*

Findings: The mitigation planting area will be cleared of all plants listed on the Nuisance Plant List. The mitigation area is not within any of the overlay zones listed in this standard. Only the restored lawn is within the River Overlay Zones (g*, e).

E. Installation. *Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.*

Findings: Any support devices used to aid plant establishment will be removed when the plant can support itself. This standard will be made a part of the follow-up monitoring and maintenance program.

F. Irrigation. *The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.*

Findings: The mitigation area is within the area covered by Portland Parks & Recreation's fully automated irrigation sprinkler system for Waterfront Park. Plants will be watered by this system to ensure establishment and continued survival. Portland Parks & Recreation and BES will coordinate to ensure the following adjustments are made to the irrigation system to specifically accommodate the proposed mitigation plantings:

- The irrigation for mitigation area currently in turf (lawn) will be converted to shrub irrigation heads at different spacings and shifted onto a shrub zone on the controller.
- The existing plant beds' irrigation zone(s) will be assessed for function and coverage. Heads will be added and/or replaced as needed to ensure the proposed high-density mitigation plantings receive adequate sprinkler coverage.

G. Monitoring and Reporting. *Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.*

Findings: The City of Portland owns the Waterfront Park mitigation site. Portland Parks & Recreation has overall management responsibilities for the park, but BES will act as the “owner” for this project and will be primarily responsible for the implementation of the mitigation plan and related monitoring and reporting requirements. Replacement of dead plants will be done by either BES’s contractor under the project warranty, by BES crews, or by Portland Parks & Recreation crews in coordination with BES. BES will submit written proof to BDS that all specifications of this section have been met approximately 1 year after planting is completed.

This criterion is met.

33.865.120 Corrections to violations of the River Environmental Overlay Zone Standards

For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A, above, and Subsection A, and Paragraphs B.2 and B.3, below. If these criteria cannot be met, then the applicant’s remediation plan must demonstrate that all of the following are met:

A. The remediation is done in the same area as the violation; and

Findings: Following installation of the odor treatment vaults in 2008/2009, areas of lawn temporarily disturbed by construction were restored as lawn. Similarly, the minor temporary disturbance of lawn associated with the proposed equipment replacement and enlargement of the media vault hatch will be restored to existing lawn conditions after equipment installation.

Compensatory mitigation for the unpermitted vault installation in 2008/2009 (the violation) and the proposed upgrades will be performed at the nearest feasible location in Waterfront Park, which is at the Battleship Oregon Memorial approximately 1,000 feet south of the Burnside Bridge.

The Battleship Oregon Memorial area fits “the same area” limitation. Both the violation and the mitigation site are under the ownership of Portland Parks & Recreation and are within Waterfront Park, which meets the definition of a site under PCC 33.910. Additionally, the Battleship Oregon Memorial is not in the River Environmental overlay zone, but it is within the greenway and is contiguous to the River Environmental overlay zone. This criterion is met.

B. The remediation plan demonstrates that after its implementation there will be:

1. No permanent loss of any type of resource or functional value;

Findings: In 2008/2009, construction of the vaults temporarily disturbed approximately 2,300 square feet of lawn and pavement. No trees were removed during construction. The only vegetation disturbed was lawn, which was subsequently replanted. Total permanent impacts included replacing 183 square feet of lawn with access hatches.

In 2020, 68 square feet of lawn would be temporarily disturbed and 12 square feet of lawn would be permanently lost.

The lawn that was temporarily disturbed in 2008/2009 (1,617 square feet) was replaced in kind. The lawn that will be temporarily disturbed in 2020 (68 square feet) will be replaced with lawn. The permanent loss of 183 square feet of lawn in 2008/2009 and 12 square feet in 2020 (195 square feet total) will be mitigated by planting 3,700 square feet of native shrubs and trees that will provide an increase in habitat function and value. With the proposed mitigation, although this criterion is not technically required to be met, there would be no permanent loss of any type of resource or functional value, and this criterion is met.

2. A significant improvement of at least one functional value; and

Findings: The violation occurred in sparse lawn that is actively maintained and managed by the Portland Parks & Recreation. No other type of vegetation was disturbed or impact in 2008/2009 and only lawn will be impacted in 2020. Lawn offers very limited habitat value to wildlife, but it does provide erosion control and nutrient cycling.

Temporary impacts were replaced in-kind (lawn for lawn) at a 1:1 ratio at the site of the violation. Temporary impacts associated with the 2020 construction will also restore lawn that is temporarily disturbed. This restoration improves natural resource functions such as erosion and sediment control and nutrient cycling. There would be no net loss nor no net gain of habitat function at the location of the two vaults.

Temporary impacts from both construction projects will also be replaced at a 1:1 ratio, and permanent impacts from both construction projects will be replaced at a 10:1 ratio at the Battleship Oregon Memorial. The proposed mitigation will significantly improve habitat structure for insects and birds, enhance habitat connectivity, and provide migratory stopover habitat. This criterion is met.

3. *There will be minimal loss of resources and functional values during remediation until the full remediation program is established.*

Findings: The violation/impact area at the site of the odor treatment vaults provides no significant natural resources and functional values, and the proposed vegetation enhancement at the mitigation site will not result in the loss of any significant natural resources or functional values while existing vegetation (ornamental vegetation in planters and lawn grass) is replaced with native species.

The mitigation plantings will be installed on approximately the same schedule as the proposed upgrades to the odor treatment system. In order to confirm appropriate and timely placement, and adequate coverage of mitigation plantings, a Zoning Permit will be required for on-site inspection of the mitigation planting, at installation. At the time of the permit, the applicant must indicate whether the mitigation plantings will be tagged for inspection or if the applicant will accompany the BDS Zoning inspector to the site to indicate where mitigation planting has occurred.

The proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). Two years of monitoring and maintenance will ensure survival of proposed mitigation plantings. To confirm maintenance of the required plantings for the initial establishment period, the applicant will be required to have the plantings inspected, by applying for a Zoning Permit two years after plantings are installed.

With conditions to ensure that at least the minimum number of replacement plantings are planted on the site, and that plantings required for this Environmental Review are maintained and inspected as described above, this criterion will be met.

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 requirements of Title 11 can be met, and 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.

New development and exterior modifications to existing development are subject to Historic Resource Review.

CONCLUSIONS

The applicant requests approval of the original construction of, as well as upgrades to, the existing underground odor control facilities for the Ankeny Pump Station in Portland's Tom McCall Waterfront Park. This application seeks City approval of a Statewide Planning Goal Exception, a Comprehensive Plan Amendment (whenever a Statewide Planning Goal Exception is requested the Portland Zoning Code requires an Amendment to the City's Comprehensive Plan [33.850.030 A] and compliance with the City approval criteria for the specific goal exception). The application materials contain thorough analysis addressing applicable approval criteria for each of these regulations.

The application further seeks approval of the underground odor control system for the Ankeny Pump Station, and modifications to the system, through River Violation Review and River Review. The application narrative and site plans describe the initial construction of the odor treatment system vaults and equipment, as well as improvements needed today in order for the odor control system to function. The application material include a thorough description of the alternatives considered by the applicant in locating the odor control facilities, the construction methods employed in order to limit impacts on River resources; and the mitigation proposed to offset unavoidable impacts on River resources and functional values.

The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the conditions listed below.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer Recommendation)

Approval of a Statewide Planning Goal Exception and associated Comprehensive Plan Amendment, River Violation Review and River Review to authorize the construction of, and repair or replacement of, odor treatment equipment and vaults and appurtenances associated with the Ankeny Pump Station within the River Setback area, including:

- Construction of the original underground odor treatment system vaults within Tom McCall Waterfront Park and within the River Setback area;
- Demolition and removal of existing equipment inside the Blower Vault;
- Installation of a new blower, ventilation fans, sump pump, and associated electrical and controls inside the Blower Vault;
- Removal of the media and equipment inside the Media Vault;
- Enlargement of one access hatch in the Media Vault by 12 square feet to accommodate installation of the new odor treatment; and
- Installation of the odor treatment units, sump pump, ventilation ducting, and associated electrical and controls inside the Media Vault;

all within the River overlay zones, and in substantial conformance with Exhibits C.1.a, C.2, C.3, C.4, and C.6. Approval is recommended subject to the following conditions:

- A. A BDS Zoning Permit is required for inspection of required mitigation plantings, and a separate BDS construction permit may be required for development.** The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 19-160084 GE RV RR CP Exhibits C.1.a, C.2, C.3, C.4, and C.6."***

Building Permits shall not be issued until a BDS Zoning Permit is issued.

Building Permits shall not be finalized until the BDS Zoning Permit for inspection of mitigation plantings required in Condition C below is finalized.

- B.** Temporary, 4-foot high, bright orange construction fencing shall be placed along the Limits of Work line, depicted on Exhibit C.3 Site Access/Work Limits plan, but so as not to block the Greenway Trail, to separate approved construction areas from areas to remain undisturbed.
1. Any measures provided for sediment control shall be placed inside of the approved "Limits of Work line," delineated by the temporary construction fence.
 2. No mechanized construction vehicles are permitted outside of the approved "Limits of Work line" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Work line, shall be conducted using hand held equipment.
- C.** The applicant shall obtain a BDS Zoning Permit for approval and inspection of a mitigation plan for a total of 2 trees, 529 shrubs, 108 ferns, and 623 ground covers, in substantial conformance with Exhibit C.4 Mitigation Planting Plan. Any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size to the original plant.
1. Permit plans:
 - a. Exhibit C.4 Mitigation Planting Plan shall be included with permit plans.
 - b. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
 2. Plantings shall be installed between October 1 and March 31 (the planting season).
 3. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
 4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
 5. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.
- D. The land owner shall maintain the required plantings** to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. After the 2-year initial establishment period, the landowner shall:
1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
 2. All required landscaping shall be continuously maintained, by the land owner in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind.
- E.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Procedural Information. The application for this land use review was submitted on May 3, 2019, and was determined to be complete on July 2, 2019.

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 May 3, 2019.

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 recommendation 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.

This report is not a decision. This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 30 days of the close of the record. You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. 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. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's recommendation. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

This decision (after City Council has issued a decision), and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other

things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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.

Planners' Names: Stacey Castleberry

Rodney Jennings

Date: August 16, 2019

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statements:

1. Applicant's Original Narrative of May 3, 2019
2. Applicant's Original Plan Set of May 3, 2019
3. a. Basis of Design Memo, November 27, 2018
b. ALS Environmental Air Sample Tests, May 24, 2018
c. ALS Environmental Air Sample Tests, August 23, 2018
4. Public Involvement Plan, February 25, 2018
5. Ankeny Pump Station Odor Control System Siting Memo, April 26, 2019
6. 120-day waiver
7. Applicant's Narrative Response to incompleteness issues, July 1, 2019

B. Zoning Map (attached):

1. Existing Zoning

- 2. Proposed Zoning
- C. Plans & Drawings:
 - 1. Overview and Location Plan (attached)
 - 1. a. 2008 -2009 Development Plan (attached)
 - 2. 2020 Proposed Development Plan (attached)
 - 3. Site Access and Work Limits plan
 - 4. Mitigation Planting Plan (attached)
 - 5. Conditions Prior to 2007
 - 6. Vault Plan & Section
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. BDS Life Safety
 - 8. Oregon Department of Land Conservation and Development
- F. Letters: None received.
- G. Other:
 - 1. Original LUR Application
 - 2. Pre-Application Conference Summary Notes
 - 3. BDS Letter of Incompleteness
- H.

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).