

IMPACT STATEMENT

Legislation title: Consider the proposal of Portland's Bureau of Environmental Services, applicant, and the recommendation from the Hearings Officer for 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 (Hearing; LU 19-160084 GE RR RV CP)

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Presenter name: Stacey Castleberry and Rodney Jennings, BDS Land Use Services

Purpose of proposed legislation and background information:

The applicant (City of Portland Bureau of Environmental Services) requests approval of a Greenway Goal Exception (Statewide Planning Goal Exception) to allow existing Ankeny Pump Station odor control facilities to remain (underground) within the 50-foot River Setback near the Willamette River on the north side of the Burnside Bridge. Zoning Code Section 33.840.040 provides that Greenway Goal Exceptions are processed through a Type III procedure, and must be approved by City Council.

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. 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. The vaults were installed as a "change-order" during construction of the approved park renovations and did not go through the City's required land use review processes. 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.

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 project would also enlarge an access hatch and replace the equipment inside of the Blower Vault and the Media Vault to bring the odor treatment system back on-line.

Technically, 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. The applicant proposes to correct the violation, and to enlarge the access hatch in the Media Vault by 12 square feet through River Violation Review and River Review.

Financial and budgetary impacts:

This is a Type III quasi-judicial land use review (not legislation). The City Council decision on this matter will not have financial or budgetary impacts on the City. Generally, Land Use Reviews are fee supported. In this case, the applicant paid the full land use review fee of \$26,108.00. City costs associated with the Land Use Review fee are for staff and Hearings Officer time to process the review.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Oldtown Community Association, and Neighbors West/Northwest (district coalition) received notice. In addition, all property owners within the 400 feet of the site were mailed notice of the public hearing and the site was posted with notice boards. City Bureaus, Tri-Met, Northwest Natural Gas, Pacific Power & Light, Oregon State Fish & Wildlife, Multnomah County Bridges, Portland School District, Port of Portland Planning, Kerns Neighborhood Association, Buckman Neighborhood Association, Portland Downtown Neighborhood Association, and the Downtown Retail Council were also mailed notice. Interested persons were encouraged to write and/or testify at the public hearing conducted before the Hearings Officer.

No comments were received from either the neighborhood association or notified property owners in response to public notices. City bureaus responded with no issues or concerns. The Hearings Officer held a public hearing on August 28, 2019. Multnomah County Bridges staff testified at the hearing, requesting to be kept apprised of the project. The record was closed at the hearing. The Hearings Officer adopted and incorporated into his 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 recommended approval with conditions.

The City Council decision on this appeal will be the final decision of the City, per Zoning Code Section 33.730.040. However, the City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ **YES:** Please complete the information below.
☒ **NO:** Skip this section