



P O R T L A N D  
**CITY AUDITOR**  
Council Clerk  
& Contracts

December 23, 2019

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

City of Portland  
1120 SW 5<sup>th</sup> Ave, #1000  
Portland, OR 97204-1912

**RE: 19-160084 GE RR RV CP**

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)

Dear Applicant and Owner:

On December 18, 2019, at approximately 9:45 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-0 and passed Ordinance No.189804, effective December 18, 2019.

This Ordinance must to be recorded with the Multnomah County Recorder. **Please send a check to this office for \$96.00 payable to the Multnomah County Recorder, indicating the file number on your check.**

Yours sincerely,  
Mary Hull Caballero  
Auditor of the City of Portland

By:

Keelan McClymont, Assistant Council Clerk

Encl.  
Cc: Susan Cunningham, ESA

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City of Portland  
1221 SW 4<sup>th</sup> Avenue, Room 130, Portland, OR 97204  
(503) 823-4086  
[www.portlandoregon.gov/auditor/councilclerk](http://www.portlandoregon.gov/auditor/councilclerk)





P O R T L A N D  
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NOTICE OF FINAL DECISION

**TO:** All Interested Persons  
**DATE:** December 23, 2019  
**RE:** **LU 19-160084 GE RR RV CP**

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)

On December 18, 2019, at approximately 9:45 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-0 and passed Ordinance No.189804, effective December 18, 2019.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board 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 appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Encl.



## ORDINANCE No. 189804

\*Approve 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)

The City of Portland Ordains:

Section 1. The Council finds:

1. The Applicant seeks, in the vicinity of the Ankeny Pump Station, 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 generally consistent with Exhibit C.2, attached hereto, for the purposes of meeting the City's venting and odor control design for the Ankeny Pump Station and Ankeny CSO shaft.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking approval of a Statewide Planning Goal Exception and associated Comprehensive Plan Amendment, River Violation Review, and River Review has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on August 28, 2019, and a Recommendation was issued on August 29, 2019 (LU 19-160084 GE RR RV CP). The Hearings Officer recommended approval of the requested Statewide Planning Goal Exception and associated Comprehensive Plan Amendment, River Violation Review, and River Review.
4. The request for approval of a Statewide Planning Goal Exception and associated Comprehensive Plan Amendment, River Violation Review, and River Review, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with Title 33 approval criteria and the relevant Comprehensive Plan policies.

NOW, THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendation of the Hearings Officer in LU 19-160084 GE RR RV CP.
- b. Approve 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, generally consistent with Exhibit C.1.a, C.2, C.3, C.4 and C.6, associated with

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

c. Approvals are 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.

Section 2. The Council declares that an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

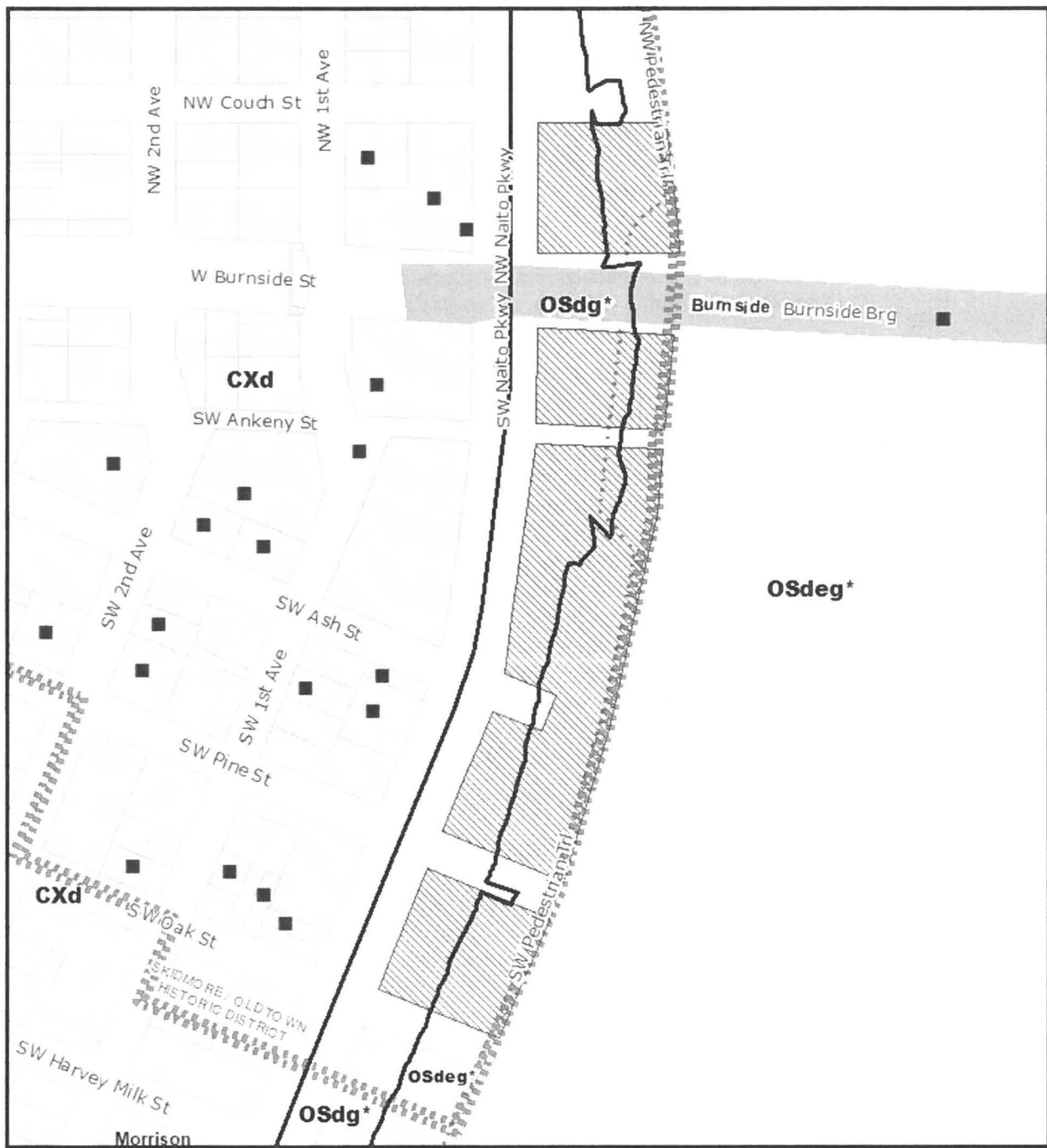
Passed by the Council: DEC 18 2019

Commissioner Mayor Ted Wheeler  
Prepared by: Stacey Castleberry, BDS  
Date Prepared: December 18, 2019

**Mary Hull Caballero**  
Auditor of the City of Portland

By 

Deputy



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

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

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

**Portland Bureau of Environmental Services**  
**Attn: Chris Selker**  
**5001 N Columbia Blvd**  
**Portland, OR 97203**

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

**Susan Cunningham, ESA**  
**819 SE Morrison Street, #310**  
**Portland OR 97214**

**BUREAU OF DEVELOPMENT SVCS**  
**CASE FILE Stacey Castleberry and**  
**Rodney Jennings**  
**1900 SW 4TH AVE #5000**  
**PORTLAND OR 97201**

Emailed: Stacey C. & Rodney J., Linly Rees, Lauren King, BDS Hearings Clerks, Hearing Officers Clerks, Douglas Morgan, Kurt Krueger, Dawn Krantz, Robert Haley, Dawn Uchiyama, Stephen Himes, Kris Calvert, Tamara Burkovskaia, Toni Anderson, Meghaan Davis  
**LU 19-160084 GE RR RV CP**  
**Order mailed: SEPTEMBER 24 2019**