



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: February 11, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on March 4, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU_13-109890 GW, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 13-109890 GW

Applicant: Mark Jacobson
Portland Bulk Terminals, LLC
15550 N Lombard St
Portland, OR 97203

Consultant: Ronald Waggoner
Hatch Mott MacDonald, LLC
400 SW 6th Ave Suite 914
Portland, OR 97204

Property Owner: Sebastian Degens
Port of Portland
PO Box 3529
Portland, OR 97208

Site Address: 15550 N LOMBARD ST

Legal Description: TRACT C&E&BLKS 8&10&12 TL 900, RIVERGATE INDUSTRIAL DIS; BLOCK 10&12&E TL 1100, RIVERGATE INDUSTRIAL DIS; BLOCK 10&12&E TL 400, RIVERGATE INDUSTRIAL DIS; BLOCK 10 TL 100 EXEMPT ORS 307.120, RIVERGATE INDUSTRIAL DIS; BLOCK 10&12&E TL 500 LAND & IMPS SPLIT LEVY R256241 (R708881584) SEE R646396 (R708881941) FOR MACH & EQUIP, RIVERGATE INDUSTRIAL DIS; BLOCK 12 TL 200 LAND & IMPS SEE R646397 (R708882421) FOR MACH & EQUIP, RIVERGATE INDUSTRIAL DIS; BLOCK 12 TL 300 LAND & IMPS SEE R646398 (R708882431) FOR MACH & EQUIP, RIVERGATE INDUSTRIAL DIS; BLOCK 10&12&E TL 1000 LAND & IMPS SPLIT LEVY R256258 (R708881940) SEE R646395 (R708881592) FOR MACH & EQUIP, RIVERGATE INDUSTRIAL DIS

Tax Account No.: R708880036, R708881582, R708881588, R708881930, R708881940, R708882420, R708882430, R708881584
State ID No.: 2N1W26 00900, 2N1W26 01100, 2N1W23C 00400, 2N1W23C 00100, 2N1W23C 00500, 2N1W23C 00200, 2N1W23C 00300, 2N1W26 01000
Quarter Section: 1419, 1420, 1519, 1520
Neighborhood: St. Johns, contact Jennifer Levy at jenniferlevy@stjohnspdx.org.
Business District: Columbia Corridor Association, Peter Livingston at 503-796-2892.
District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.
Plan District: None
Other Designations: 100-year floodplain, shore area only
Zoning: IHhi – Heavy Industrial base zone with the Airport Landing Zone (h) and Greenway River Industrial (i) overlays
Case Type: GW – Greenway
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

Portland Bulk Terminals (PBT) operates Marine Terminal 5 as an importer and exporter of bulk potash (potassium chloride), the primary ingredient in most fertilizers. The potash is imported from Canada, stored on-site and then exported via ocean-going vessels. As part of their on-going operations, PBT proposes to construct a new storage building for storing potash on their Port of Portland industrial site. Prior to constructing the building, however, the site must be prepared by compacting the soil with tons of clean sand and small aggregates. The applicants evaluated the advantages and disadvantages of using barges to transport this material vs truck hauling. They found that trucking had major disadvantages, including increased traffic impacts, increased carbon footprint and longer transport times.

The current proposal is to construct a temporary conveyor system to transport surcharge material approximately 800 feet from a river barge in the Willamette River to an upland stockpile area inside the existing rail system on the site. The river end of the conveyor will be located on a spud barge moored about 25 feet riverward of the ordinary high water mark. Other barges will convey the material to the spud barge where it will be loaded into a hopper that will off-load the material to the conveyor. The conveyor will transport it to an upland stockpile location until it can be moved to the proposed building site. The conveyor will be supported by timber cribbing and/or scaffolding that will have limited ground impacts, and will be dismantled after all surcharge material is unloaded, which is expected to take about 4 months.

This river location was selected because of an existing cleared upland area (an old service road), approximately 15 feet wide, which runs from the shore area up to the rail tracks. This old roadway is wide enough that additional clearing will not be required for construction or operation of the conveyor system. The site is located in the River Industrial Zone, and the proposal includes development that is both riverward of the Greenway Setback and within the Greenway Setback.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- Greenway Review Approval Criteria, Zoning Code Section 33.440.350; and
- *Willamette Greenway Design Guidelines*

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on January 29, 2013 and determined to be complete on February 11, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development

Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

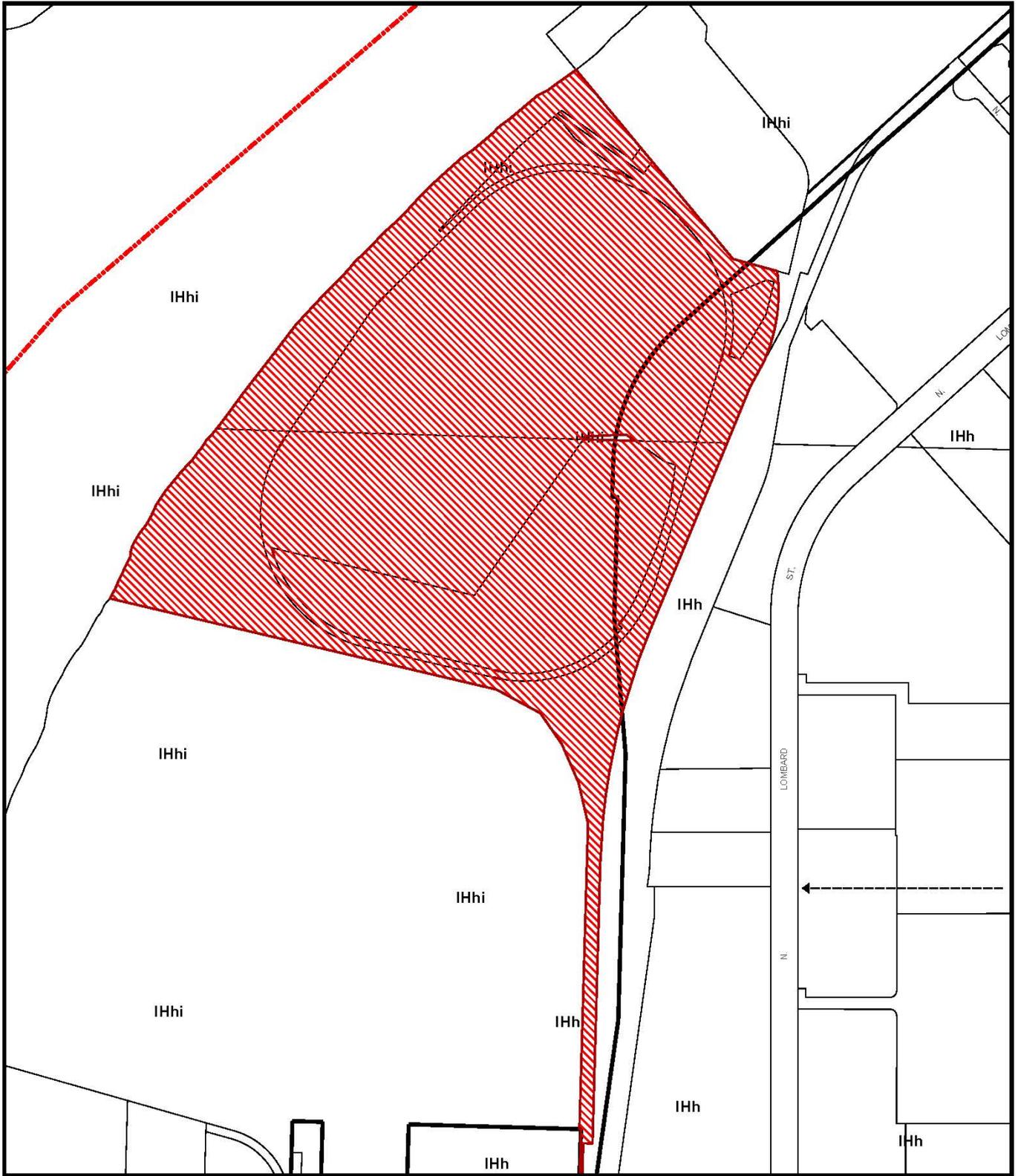
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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

Enclosures:

Zoning Map
Site Plan



ZONING

 Site



File No. LU 13-109890 GW
 1/4 Section 1419,1420,1519,1520,1620
 Scale 1 inch = 600 feet
 State_Id 2N1W23C 500
 Exhibit B (Jan 29,2013)

