



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

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
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www.portlandoregon.gov/bds

Date: June 16, 2017
To: Interested Person
From: Morgan Steele, Land Use Services
503-823-7731/Morgan.Steele@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 July 7, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-173788 GW, in your letter. It also is helpful to address your letter to me, Morgan Steele. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-173788 GW

Applicant: Sean Bistoff | City of Portland, Bureau of Environmental Services
1120 SW 5th Avenue, Suite 1100
Portland, OR 97204
503-823-7125
Sean.Bistoff@Portlandoregon.Gov

Representatives: David Munro | Tetra Tech, Inc.
1020 SW Taylor Street, Suite 530
Portland, OR 97205
503-223-5388
David.Munro@Tetrattech.Com

Lynn Barlow | City of Portland, Bureau of Parks and Recreation
1120 SW 5th Avenue, Room 1302
Portland, OR 97204
503-823-4404
Lynn.Barlow@Portlandoregon.Gov

Site Address: Oaks Bottom Wildlife Refuge

Legal Description: BLOCK A&B TL 1100, SELLWOOD; TL 300 0.56 ACRES, SECTION 14 1S 1E; TL 400 0.48 ACRES, SECTION 14 1S 1E; TL 100 25.71 ACRES, SECTION 14 1S 1E; TL 100 60.05 ACRES, SECTION 23 1S 1E; TL 600 11.47 ACRES, SECTION 23 1S 1E; TL 201 4.26 ACRES, SECTION 14 1S 1E

Tax Account No.: R752721160, R991140930, R991141220, R991141240, R991230500, R991230730, R991141260, R991230730

State ID No.: 1S1E22DA 01100, 1S1E14C 00300, 1S1E14C 00400, 1S1E14C 00100, 1S1E23 00100, 1S1E23 00600, 1S1E14C 00201, 1S1E23 00600

Quarter Section: 3631

Neighborhood: Sellwood-Moreland, contact chair.landuse.smile@gmail.com

Business District: Sellwood-Westmoreland, contact Emily Pinkstaff at emily.pinkstaff@newseasonsmarket.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Other Designations: 100-Year Floodplain

Zoning: *Base Zones:* Open Space (OS), Residential Farm/Forest (RF)
Overlay Zones: River Water Quality (q), River Natural (n), River General (g)

Case Type: GW – Greenway Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The purpose of this project is to construct a tidal reconnection and enhance habitat (primarily salmon) within Oaks Bottom Wildlife Refuge. The project is a collaborative effort between the City of Portland Bureau of Environmental Services (BES), Portland Parks and Recreation (PP&R) and the U.S. Army Corps of Engineers (USACE).

The proposed project is entirely within the Willamette Greenway and is within River Natural (n), River Water Quality (q), and River General (g) overlay zones. The proposal requires Greenway Review because the project includes development landward of the greenway setback as well as within the greenway setback. The Oaks Bottom Wildlife Refuge Tidal Reconnection Project includes four major elements:

1. *Replacement of the culvert under the railroad berm with a new larger culvert to allow a significantly improved hydrologic connection and fish and wildlife passage.* The existing 5-foot diameter, 90-foot long culvert will be replaced with a 16-foot span concrete arch culvert with a length of 48 feet. The new culvert will have a natural substrate bottom comprised of a sand/gravel/cobble mix and a wildlife bench along both sides. The proposed culvert is expected to significantly improve hydrologic connection, as well as, fish and wildlife passage between Oaks Bottom Wildlife Refuge and the Willamette River.
2. *Removal of the water control structure and excavation of tidal slough channels to connect the unregulated reservoir to the culvert for fish rearing and refuge, typically from November to June, and reduce the potential for fish stranding.* The existing channel to the reservoir is proposed to be excavated down to meet the new culvert elevation of 5.5 feet and slope up to the smaller reservoir outlet at 9.0 feet in elevation. The length of the channel will be increased by reconnecting a remnant channel for a total length of 1,600 feet from the Willamette River, with a slope of 0.3%. Eight cobble riffles will be installed to maintain the gradient, prevent headcutting and prevent the complete drainage of the reservoir. North of the culvert and channel, the southernmost duck pond will be connected to the new tidal channel and further graded to allow positive drainage out for fish egress, restore seasonal wetland habitat, and provide approximately 700 feet of additional tidal slough channel.
3. *Removal of invasive species and revegetation with native species within the construction footprint.* Associated with the grading of the channels, a minimum 50-foot wide native plant buffer will be established along each bank of the channel. Reed canary grass will be stripped off and removed and the buffer will be mulched and seeded with a wetland seed mix and planted with native trees and shrubs.
4. *Passive recreational enhancements associated with the Springwater Trail.* Viewing platforms and interpretive signage are proposed to be installed at two locations on the Springwater Trail to provide educational opportunities as well as fish and wildlife viewing: 1) near the new culvert; and 2) near the Oaks Park pedestrian ramp to the Trail. The

viewing platforms will provide the additional benefit of separating wildlife watchers from cyclists and joggers.

Construction access to the project site will require the placement of temporary access ramps, partially located within the wetland, and a barge landing pad, located in the Willamette River. Equipment will gain access to the site via barge through the landing pad and access ramps. Spoils will be hauled off-site via barge and taken to an approved upland disposal facility. The temporary ramps and barge landing pad will be utilized for access and haul purposes only and will be completely removed and the ground revegetated, where applicable, upon project completion. Utilizing the ramps as access will temporarily close a portion of the Springwater Corridor Trail in the project vicinity for approximately four months (July 1 – October 31, 2018). The corridor will re-open upon project completion.

The placement of the access ramps and other construction activities will also require the removal of 145 trees. Suitable large wood from the removal of trees on-site will be used in the channel or floodplain as large woody debris. Additionally, once construction activities are complete, the site will be revegetated with 3,500 trees and 4,500 shrubs.

The applicant expects the proposed project at Oaks Bottom to increase and/or maintain ecological functions by restoring a more-natural tidal hydrologic regime, improving fish and wildlife passage between the river and the refuge, reducing shallow water ponding and solar heating of water temperatures, managing invasive species, and extensive revegetation with native shrub and tree species.

Relevant Approval Criteria:

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

- **Section 33.440.350(A) – For all greenway reviews. The Willamette Greenway design guidelines must be met for all greenway reviews.**
- **Section 33.440.350(C) – Development within the River Natural Zone.**
- **Section 33.440.350(E) – Development within the greenway setback.**
- **Section 33.440.350(F) – Development riverward of the greenway setback.**
- **Section 33.440.350(G) – Development within the River Water Quality overlay zone.**

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 May 18, 2017 and determined to be complete on June 14, 2017.

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.

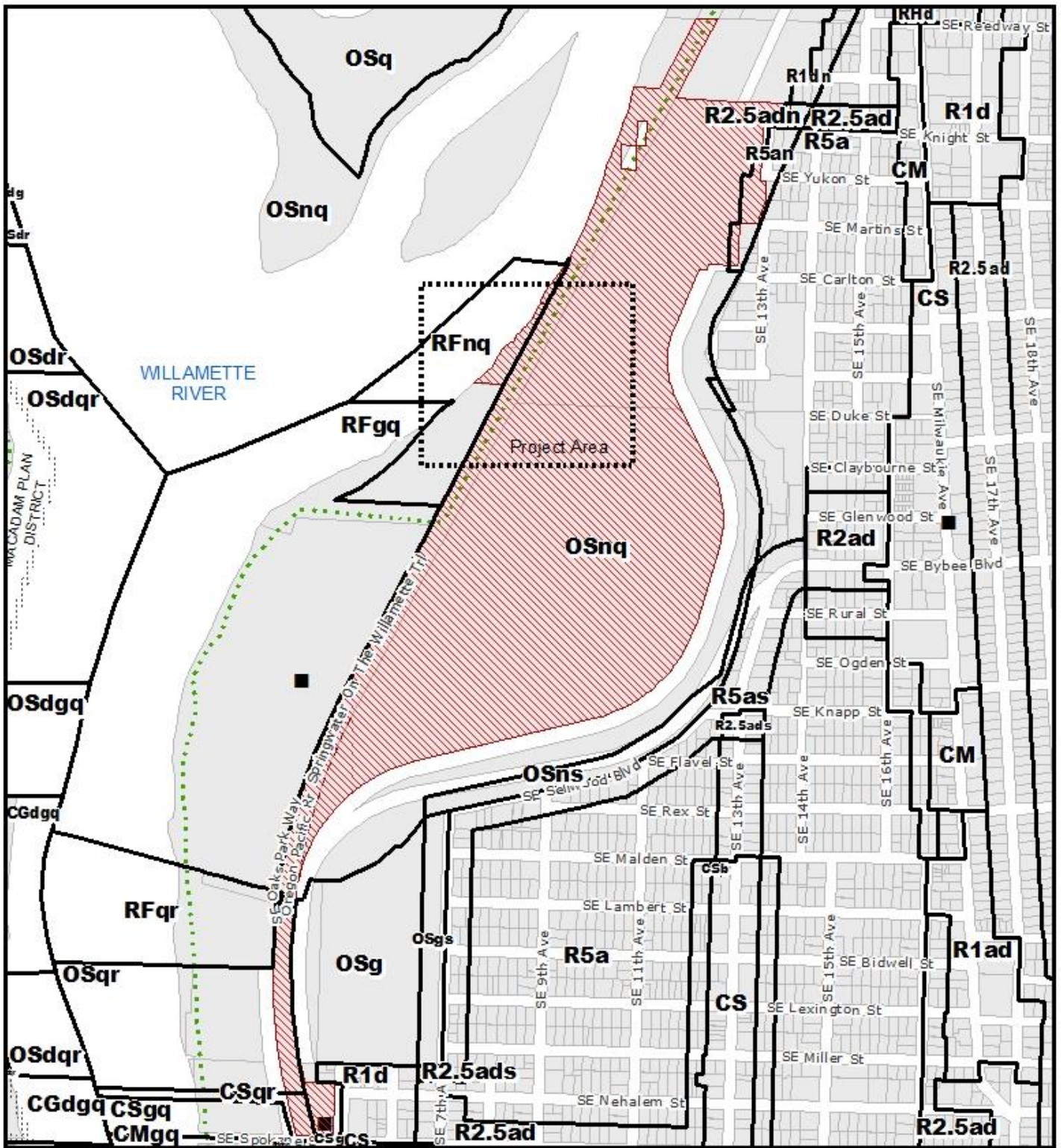
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. 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, which 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

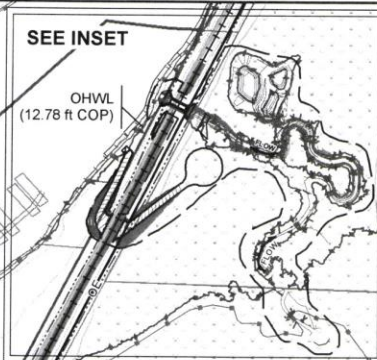
↑ NORTH

-  Site
-  Historic Landmark
-  Recreational Trails

File No.	LU 17-173788 GW
1/4 Section	3631 3730 3731
Scale	1 inch = 700 feet
State ID	1S1E14C 100
Exhibit	B May 23, 2017

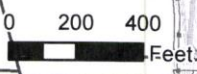
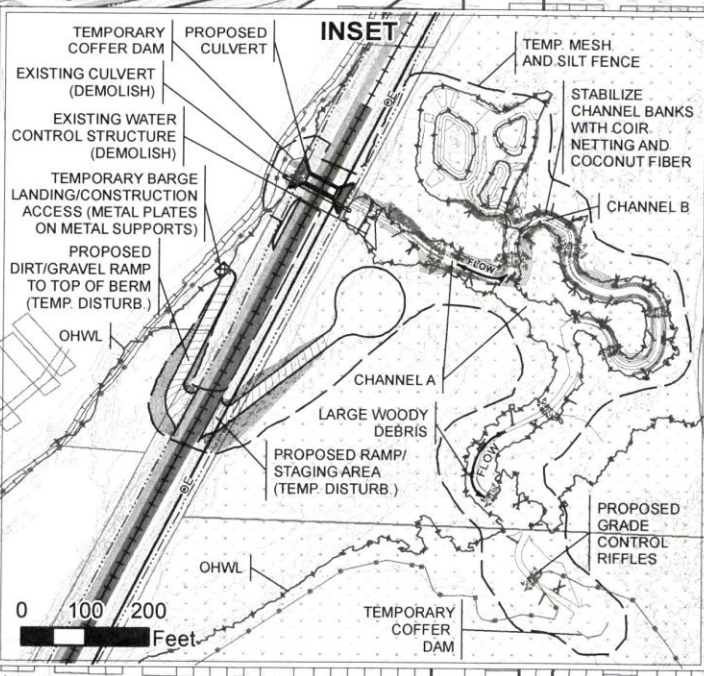
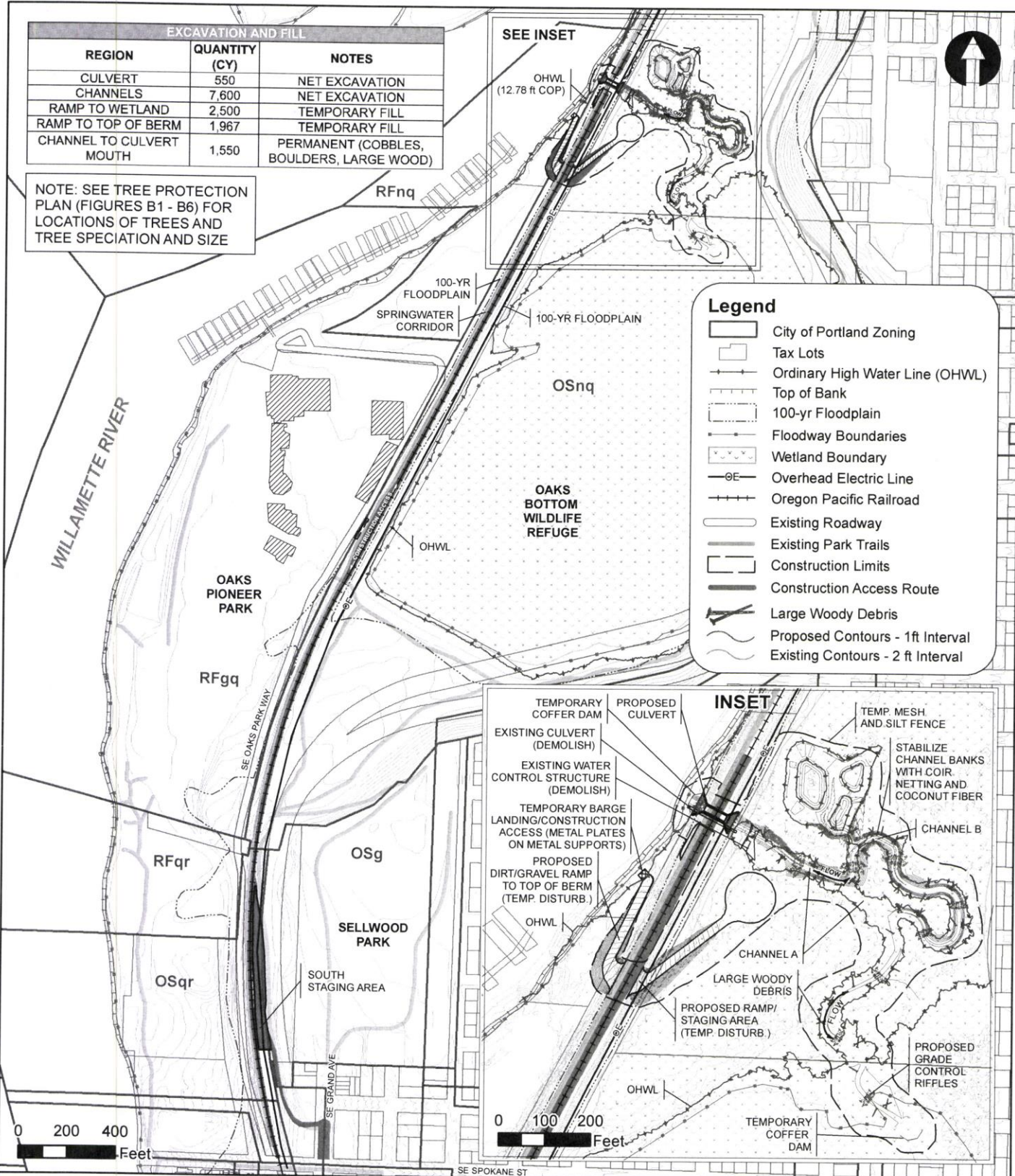
EXCAVATION AND FILL		
REGION	QUANTITY (CY)	NOTES
CULVERT	550	NET EXCAVATION
CHANNELS	7,600	NET EXCAVATION
RAMP TO WETLAND	2,500	TEMPORARY FILL
RAMP TO TOP OF BERM	1,967	TEMPORARY FILL
CHANNEL TO CULVERT MOUTH	1,550	PERMANENT (COBBLES, BOULDERS, LARGE WOOD)

NOTE: SEE TREE PROTECTION PLAN (FIGURES B1 - B6) FOR LOCATIONS OF TREES AND TREE SPECIATION AND SIZE



Legend

- City of Portland Zoning
- Tax Lots
- Ordinary High Water Line (OHWL)
- Top of Bank
- 100-yr Floodplain
- Floodway Boundaries
- Wetland Boundary
- Overhead Electric Line
- Oregon Pacific Railroad
- Existing Roadway
- Existing Park Trails
- Construction Limits
- Construction Access Route
- Large Woody Debris
- Proposed Contours - 1ft Interval
- Existing Contours - 2ft Interval



Vertical Datum: City of Portland (COP)
 Horizontal Datum: NAD 1983
 Date: 6/1/2017

FIG. A-3 CONSTRUCTION MANAGEMENT SITE PLAN

OAKS BOTTOM WILDLIFE REFUGE
 TIDAL WETLAND RESTORATION PROJECT
 GREENWAY PERMIT REVIEW

**CITY OF PORTLAND
 BUREAU OF
 ENVIRONMENTAL
 SERVICES**