



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

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Date: December 23, 2019
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-245390 HR – ANKENY PUMP STATION VENTILATION STACK & VAULT LIDS

GENERAL INFORMATION

Applicant/ Owner: City of Portland
Chris Selker | Bureau Of Environmental Services
5001 N Columbia Blvd
Portland, OR 97203
(503) 823-2482

Consultant: Susan Cunningham | ESA
819 SE Morrison St #310
Portland, OR 97214

Site Address: 10 NW NAITO PKWY

Legal Description: BLOCK 1-3 TL 1300, COUCHS ADD
Tax Account No.: R180200020
State ID No.: 1N1E34DB 01300
Quarter Section: 3030

Neighborhood: Old Town Community Association, contact Peter Englander at treasurer@oldtownchinatown.org or Will Naito at planning@pdxoldtown.org

Business District: Old Town Community Association, contact at chair@oldtownchinatown.org.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Old Town/Chinatown
Other Designations: Noncontributing property in the Skidmore/ Old Town Historic District

Zoning: OSd, e, g* -- Open Space base zone, with Design, Historic Resource Protection, River Environmental, and River General overlay zones

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review approval for exterior alterations associated with the odor treatment facility for the Ankeny Pump Station on a noncontributing property in the Skidmore/ Old Town Historic District. The proposal includes the installation of one (1) 11' tall by 2' wide stainless-steel ventilation stack and concrete vault lids that were installed without necessary Land Use Reviews and permits in 2008/2009. The alterations associated with the underground vaults that house the odor treatment system for the Ankeny Pump Station are currently being reviewed under concurrent Greenway Goal Exception Review, with River Review, River Violation Review, and Comprehensive Plan Amendment (LU 19-160084 GE RR RV CP).

Historic Resource Review is required for non-exempt exterior alterations in a Historic District.

Relevant Approval Criteria:

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

- *Skidmore/ Old Town Historic District Design Guidelines*
- *Central City Fundamental Design Guidelines*
- *Oregon Statewide Planning Goals*

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 within 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 people 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.

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.
- LU 19-160084 GE RR RV CP – Pending reviews for 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.

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 [Combined Sewer Overflow] 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 “Notice of Proposal in Your Neighborhood” was mailed **November 18, 2019**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering
3. Life Safety Division of BDS
4. Water Bureau
5. Fire Bureau
6. Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 18, 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

Chapter 33.846, Historic Reviews

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Skidmore/Old Town Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines and Skidmore/Old Town Historic District Design Guidelines

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

Skidmore/Old Town Historic District Design Guidelines

General Guidelines

A1.b. Reinforce Pedestrian Scale and Orientation in the District.

A1.c. Reestablish the Sense of the District in Waterfront Park and on Naito Parkway.

A2. Maintain and Strengthen the Street Wall in New Construction, Additions, and Improvements to Open Portions of Sites.

A4. Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

Guidelines for New Construction

D3. Develop Respectful Relationships to Adjacent Historic Buildings.

D6. Reflect the Pattern of Tall First Stories in the District.

D8. Incorporate and Reflect a Rich Textural Quality, a High Level of Detail, and Skilled Craftsmanship.

D9. Use Exterior Materials and Colors Where Materials are Permanent that are Visually Compatible with the Architectural Character and the Surrounding Buildings.

Findings for A1.b, A1.c, A2, A4, D3, D6, D8, and D9: The proposal addressed the above mentioned guidelines in the following ways:

- The proposed ventilation stack and lid treatments are the exterior elements associated with a project to replace the equipment inside of the underground

blower vault and media vault in order to repair an existing odor treatment system to meet the City's venting and odor control design for the Ankeny Pump Station. 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.

- The simple utilitarian form and use of stainless steel and concrete – high quality materials – allows the form of the stack to be as small and discreet as possible, therefore deferring to and not detracting from the rich textural quality, high level of detail, and skilled craftsmanship seen in buildings in the Skidmore/ Old Town Historic District.
- Given the size and use of these limited elements, the relatively small stack and concrete surface treatment use materials and designs appropriate for the District.
- As noted in the background information for the guidelines, buildings and other features once existed east of Naito Parkway. The alignment and association of the single vertical element relates to the historic pump station building on the south side of the Burnside Bridge which reflects the pattern of the original street grid in this area.

These guidelines are therefore met.

Findings for D3, D6, D8, and D9: The proposal addressed the above mentioned guidelines in the following ways:

- The proposed ventilation stack and lid treatments are the exterior elements associated with a project to replace the equipment inside of the underground blower vault and media vault in order to repair an existing odor treatment system to meet the City's venting and odor control design for the Ankeny Pump Station. 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.

These guidelines are therefore met.

Central City Fundamental Design Guidelines

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for A1, A4, B1, B2, C2, C5, and C6: The proposal addressed the above mentioned guidelines in the following ways:

- The Willamette River is undoubtedly the City's most significant geographical feature. As mentioned above, the proposed ventilation stack and lid treatments are the exterior elements associated with a project to repair an existing odor treatment system to meet the City's venting and odor control design for the Ankeny Pump Station. 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.
- The simple utilitarian form and use of stainless steel and concrete – high quality materials – ensures that the impact of the single ventilation stack is minimized to the extent feasible, and relates to other functional items associated with the Pump Station and underside of the Burnside Bridge.
- Additionally, the simple utilitarian form and use of stainless steel allows the form of the stack to be as small and discrete as possible. This relatively small element and concrete surface treatment do not significantly impact the surrounding pedestrian realm or the visual connections to the river within the park area, or in other areas west of Naito Parkway.

These guidelines are therefore met.

OREGON STATEWIDE PLANNING GOALS

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 Ix land use decisions if appealed. *For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local 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. *As discussed earlier 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 a non-contributing resource in the Skidmore/Old Town Historic District. Compliance with all requirements related to this designation have been verified as part of this land use 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, as mentioned earlier in this report. *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 Historic Resource Review. 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 negatively 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. Furthermore, nothing about the proposal will undermine planning for future facilities. *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 (See Exhibits E-1 through E-6).*

Additionally, as noted in the current Land Use Review for the scope of work not subject to Historic Resource Review (LU 19-160084 GE RR RV CP), 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 project will minimize public exposure to odors emanating from the sewers. The amendment proposed under the scope of the concurrent Review (LU 19-160084 GE RR RV CP), as well as the scope of work subject to the current Historic Resource Review are 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). *As discussed earlier in this report, PBOT evaluated this proposal and found no issues with the approval of the current Historic Resource Review. 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. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *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. *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. In a concurrent review for all work associated with this project that is not subject to Historic Recourse Review (LU 19-160084 GE RR RV CP), 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 in this concurrent report related to those additional 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 noted in the findings for the concurrent review, 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: *Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.*

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.

CONCLUSIONS

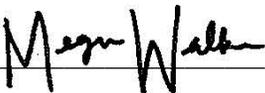
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise design standards and their ability to convey historic significance. The proposal meets the applicable Historic Resource Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations associated with the odor treatment facility for the Ankeny Pump Station on a noncontributing lot in the Skidmore/ Old Town Historic District to include: the installation of one (1) 11' tall by 2' wide stainless-steel ventilation stack and concrete vault lids. Approved per Exhibits C-1 - C-2, signed and dated December 18, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-245390 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  on December 18, 2019

By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 2019

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 25, 2019 and was determined to be complete on November 8, 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 October 25, 2019.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or

extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: March 7, 2020.**

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 decision 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 6, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded after **January 6, 2020** by the Bureau of Development Services.

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 this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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:

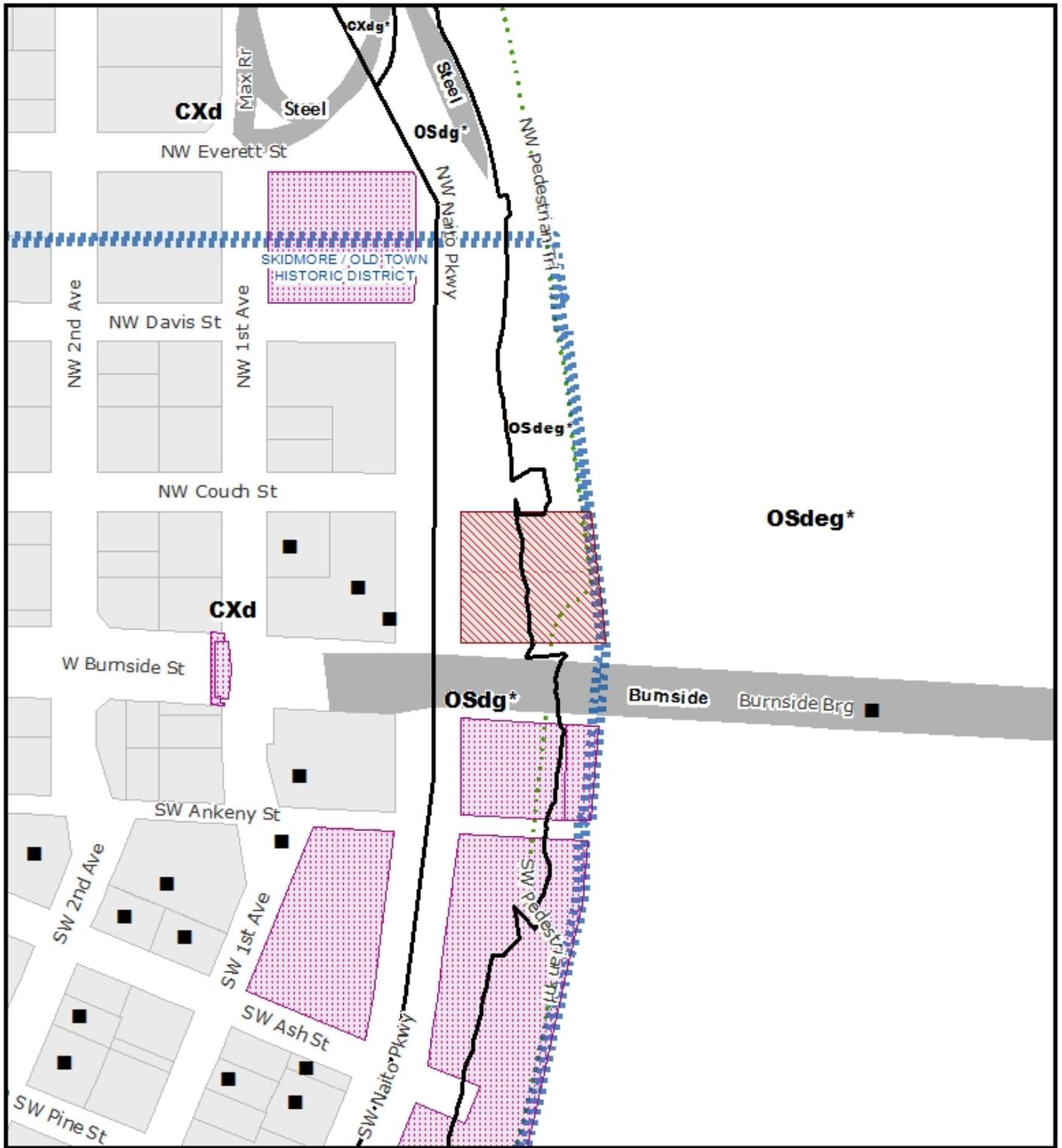
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Project Narrative & Response to Approval Criteria
 2. Original Drawing Set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Proposed Site Plan (attached)
 2. Proposed Plans & Partial Elevation (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering
 3. Life Safety Division of BDS
 4. Water Bureau
 5. Fire Bureau
 6. Site Development Section of BDS
- F. Correspondence: none
- G. Other:
 1. Original LU Application
 2. Early Assistance Meeting Notes
 3. Email Correspondence between staff and the applicant

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).



ZONING ↑
 NORTH

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

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19 - 245390 HR
1/4 Section	3030
Scale	1 inch = 200 feet
State ID	1N1E34DB 1300
Exhibit	B Oct 30, 2019



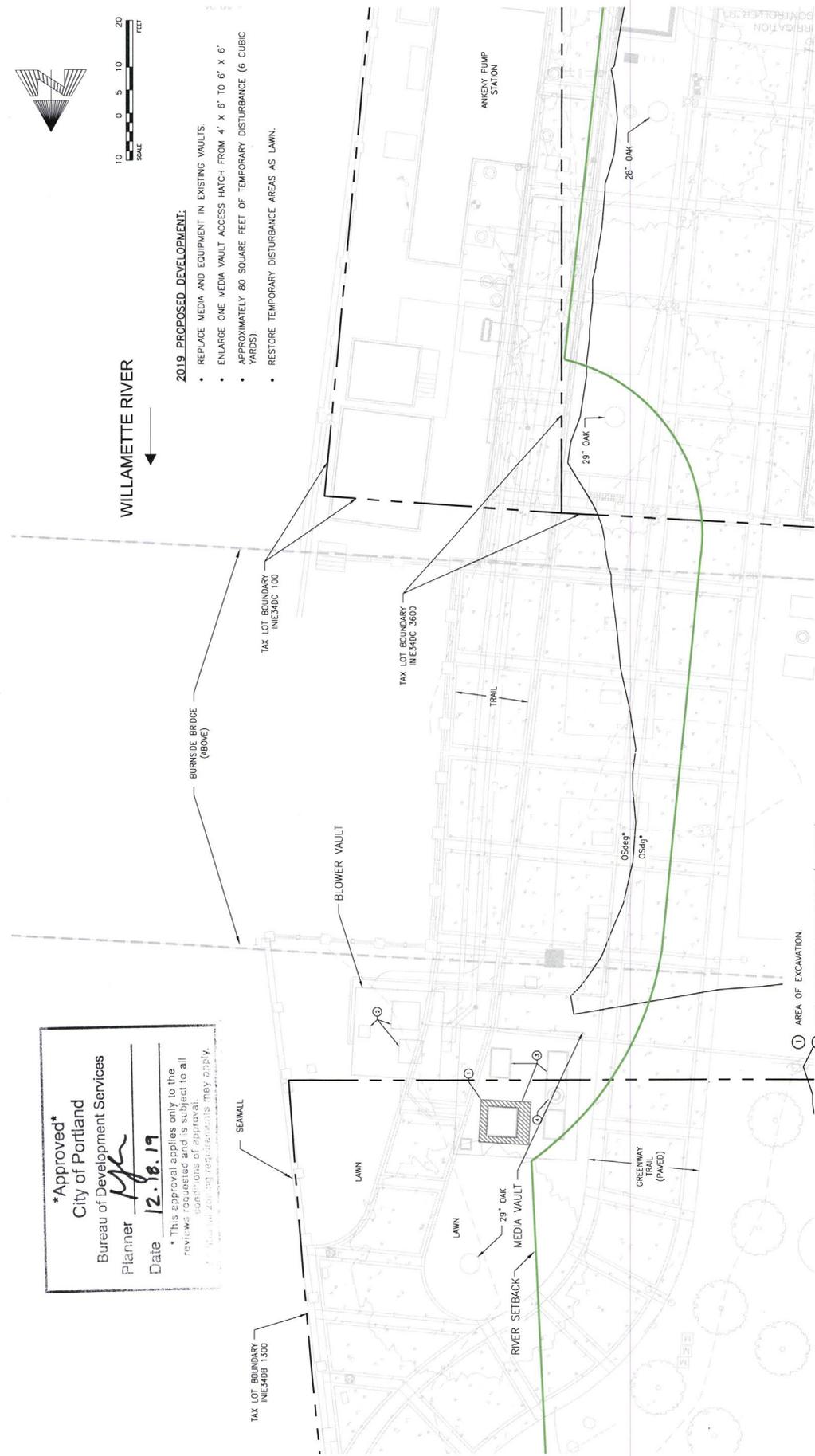
WILLAMETTE RIVER

2019 PROPOSED DEVELOPMENT:

- REPLACE MEDIA AND EQUIPMENT IN EXISTING VAULTS.
- ENLARGE ONE MEDIA VAULT ACCESS HATCH FROM 4' X 6' TO 6' X 6' (APPROXIMATELY 80 SQUARE FEET OF TEMPORARY DISTURBANCE (6 CUBIC YARDS)).
- RESTORE TEMPORARY DISTURBANCE AREAS AS LAWN.

Approved
 City of Portland
 Bureau of Development Services
 Planner *Mye*
 Date 12.18.19

* This approval applies only to the reviews requested and is subject to all conditions of approval. All applicable zoning requirements may apply.



- 1 AREA OF EXCAVATION.
- 2 BLOWER VAULT ACCESS HATCHES (AT GRADE).
- 3 MEDIA VAULT ACCESS HATCHES (AT GRADE).
- 4 TREATED AIR RELEASE STACK (11' TALL).



DESIGNED BY: _____ DATE APP'D: _____ DRAWN BY: _____ PROGRAM MGR: _____ CHECKED BY: _____ CONST. MGR: _____ APP'D: _____ TUNEL MAP DATA: _____ REVISION: _____		Ankeny PS Odor Treatment System Rehabilitation FIGURE 4 2020 PROPOSED DEVELOPMENT LA 19-245390 HR Ext C-1
CITY OF PORTLAND ENVIRONMENTAL SERVICES		

