



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

Dan Ryan, Commissioner
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www.portland.gov/bds

Date: November 6, 2020
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@portlandoregon.gov

NOTICE OF A TYPE Ix 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 45 days, we need to receive your written comments by 5 p.m. on December 7, 2020. **During the COVID-19 pandemic, your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 20-203501 EN, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 20-203501 EN

Project Consultant: Keith Kroeger | *Geosyntec Consultants*
920 SW Sixth Ave, Ste 600 | Portland, OR. 97204
(971) 222-9518 | KKroeger@Geosyntec.com

Applicant: Jason Macpherson | *Cascade Pacific Council, Boy Scouts Of America*
2145 SW Naito Pkwy | Portland, OR. 97201

Owner: Port of Portland
2145 SW Naito Pkwy | Portland, OR 97201

Owners' Representatives: Melinda Butterfield | *Oregon Department Of State Lands (DSL)*
775 Summer St NE | Salem, OR. 97301

Miranda Nicole | *Port Of Portland, Business Development And Properties*
7200 NE Airport Way | Portland, OR. 97218

Site Address: 7005 NE MARINE DR

Legal Description: TL 103 1.26 ACRES, SECTION 05 1N 2E
Tax Account No.: R942050300
State ID No.: 1N2E05 00103
Quarter Section: 2037 & 2038

Neighborhood: NONE
Business District: Columbia Corridor Association, contact at info@columbiacorridor.org
District Coalition: NONE

Plan District: Portland International Airport - Airport Subdistrict
Other Designations: Site CS3 – Central Columbia River, *Middle Columbia Corridor/ Airport Natural Resources Inventory (2011)*

Zoning: Base Zone – Open Space (OS)
 Overlay Zones – Environmental Conservation ‘c’, Aircraft Landing ‘h’,
 Scenic s,x

Case Type: Environmental (EN) Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to remove 54 steel and 14 wood pilings from the Columbia River at milepost 110.8. The pilings supported a marina at the site and a breakwater that protected the marina. The marina and breakwater have been or are being removed from the site. The project is associated with the termination of the applicant’s submerged and submersible lands sublease from the Port of Portland, which leases those lands from the Oregon Department of State Lands (DSL). No work to alter or remove any of the upland structures or improvements at the site are proposed at this time or with this application.

Work will be conducted from floating barges maneuvered by tugs and other support vessels. Steel and wood pilings will be removed by vibrating hammer and lifting each pile by use of a crane mounted to a barge. Wood pilings that are broken or intractable will be removed by the vibratory method; however, if a wood piling cannot be successfully lifted out of the sediment then the wood piling will be removed by use of a diver and cut or stump off at least 1 foot below the surface of the sediment. All pilings will be placed on a barge and disposed of offsite. The wood pilings are not creosote-treated pilings. Piling removal work will be completed during the approved in-water work window (November 1, 2020 through December 31, 2020).

The removal of the pilings is considered resource enhancement and will be in the resource area of the Environmental Conservation (c) overlay zone. Certain environmental standards must be met to allow the work to occur by right. In this case, the proposed work doesn’t meet all the standards of 33.430.170 Standards for Resource Enhancement Projects. Specifically, the project doesn’t meet 33.430.170.C.1, which doesn’t allow for excavation, fill, or construction activities within any waterbody. Therefore, a Type Ix Environmental Review is required.

Relevant Approval Criteria:

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

- **33.430.250.B Resource Enhancement Projects**

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 October 15, 2020 and determined to be complete on that date.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or

- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

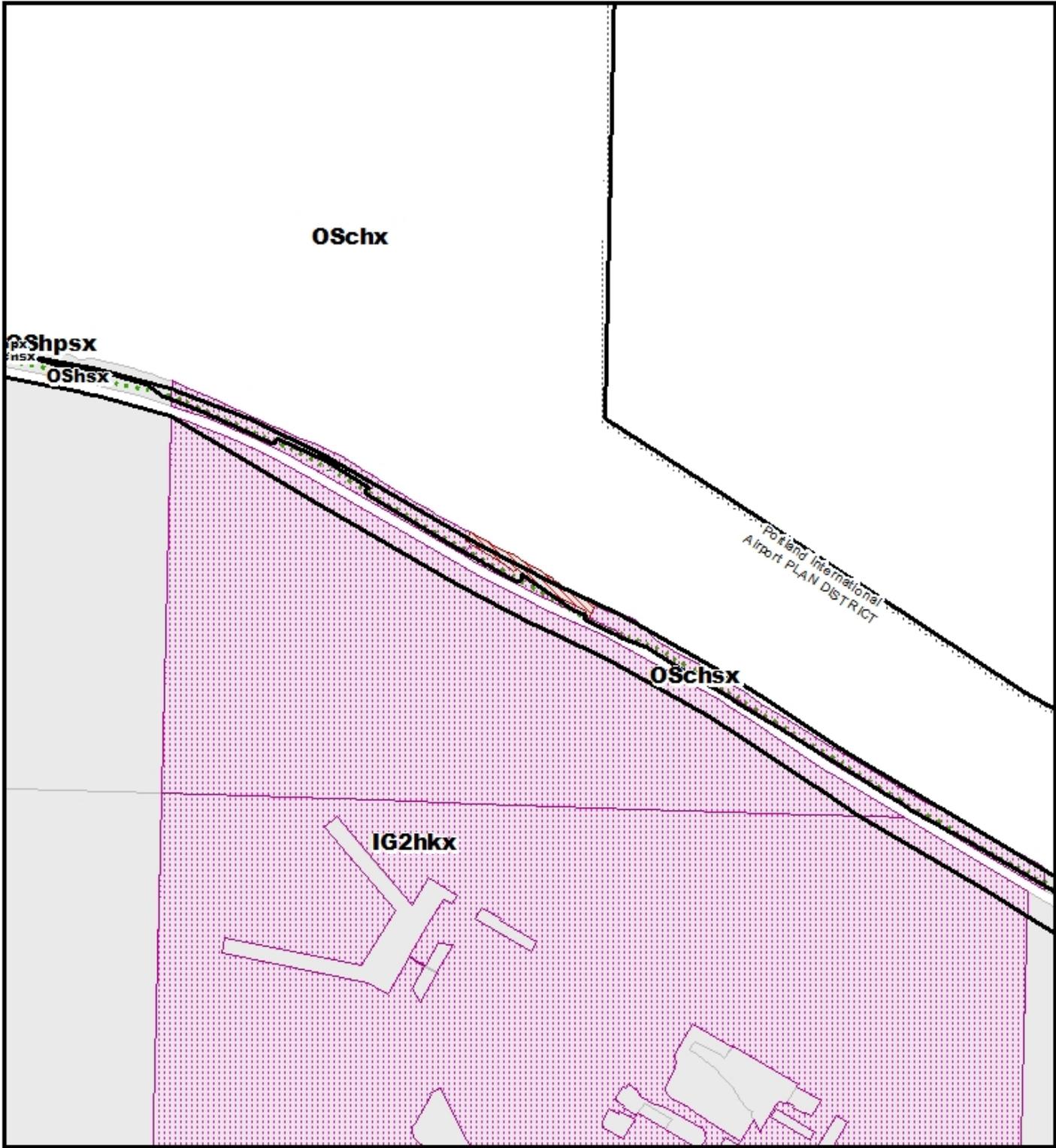
APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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
 PORTLAND INT'L AIRPORT PLAN DIST
 AIRPORT SUBDISTRICT

-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 20 - 203501 EN
1/4 Section	2037, 2038
Scale	1 inch = 800 feet
State ID	1N2E05 103
Exhibit	B Oct 15, 2020

