



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

Dan Ryan, Commissioner
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Date: April 27, 2022
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395/Timothy.Novak@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 May 18, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-131130 CN, in your e-mail.

If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 22-131130 CN

Applicant: Jennifer Santhouse | *Portland General Electric*
121 SW Salmon St, 1WT1302 | Portland OR 97204
(503) 464-8121 | Jennifer.Santhouse@pgn.com

**Owner/
Representative:** Teresa Carr | *Port of Portland*
Po Box 3529 | Portland, OR 97208-3529

**Environmental
Consultant:** Brian Fletcher | *AECOM*
111 SW Columbia St, Suite 1500 | Portland OR 97201
(971) 323-6287 | Brian.Fletcher@aecom.com

Site Address: None (*The project area is within a narrow strip of land bordered by N Lombard St to the North and N Time Oil Rd to the south; it is just east of where N Rivergate Blvd merges with N Lombard St.*)

Legal Description: BLOCK 24 LOT 1, RIVERGATE INDUSTRIAL DIS
Tax Account No.: R708886500
State ID No.: 2N1W35A 00100
Quarter Section: 1719,1720,1721

Neighborhood: St. Johns, contact Patrick Theiss at landuse@stjohnspdx.org
Business District: Columbia Corridor Association, contact at mking@columbiacorridor.org, St. Johns Center for Opportunity,

District Coalition: contact at info@stjohnsopportunity.org & St. Johns Boosters Business Association, contact at info@stjohnsboosters.org
 North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Plan District: None

Other Designations: Resource Site #51 | *Columbia Corridor Environment and Industrial Mapping Project (1989)*

Within lands managed by the -
Smith and Bybee Comprehensive Natural Resource Plan

Zoning: Base Zone - IH (Heavy Industrial)
 Overlays - 'h' (Aircraft Landing Zone)
 'c' (Environmental Conservation Overlay Zone)
 'k' (Prime Industrial Overlay Zone)

Case Type: (CN) Comprehensive Natural Resource Plan

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

Proposal:

This proposal amends case file LU 21-058949 CN to add another aging electric power transmission line pole structure to the replacement project. The total number of poles now proposed is six.

The poles proposed for replacement are adjacent to and within identified wetlands. According to the applicant, the project is needed to ensure the long-term structural integrity and reliability of the three transmission lines where they turn into the Rivergate Substation. The project will utilize wide wooden panels called "swamp mats" to provide a stable surface for access of equipment and machinery that will be used to remove the existing poles and install the replacement poles. The swamp mats also minimize impacts to underlying soil structure and soil compaction.

The project's proposed routes and staging area(s) to access the pole locations requires the cutting of brush prior to placing of the swamp mats and will result in the loss of 27 Pacific willow trees with diameters of six inches and greater, which is nine more trees than was approved under the previous review.

The additional pole increases the temporary disturbance area of the project from approximately 12,406 square feet to 15,713 square feet, an increase in 3,307 square feet. Permanent disturbance proposed increases from 425 square feet to 534 square feet, an increase of 109 square feet.

To mitigate for impacts, the applicant proposes to plant 464 native shrubs, as well as 36 live Sitka willow stakes, to remove invasive species from the vicinity of planting areas, to seed all disturbed area with native grasses and forbes, and to create wildlife habitat by forming brush piles from the removed willow trees and by installing engineered snags to provide habitat for smaller and medium-sized species of wildlife in the area.

The proposed transmission line improvements do not meet exemptions listed in 33.430.080 and also did not receive final approval per Table 2 of the *Smith & Bybee Wetlands Comprehensive Natural Resource Plan (CNRP)* or tentative approval per Table 3 of the CNRP. Therefore, this is an amendment to the previously approved CNRP (LU 12-167334 CN) and to the previous amendment (LU 21-058949 CN) and therefore must be reviewed through a Type II Comprehensive Natural Resource Plan Review per 33.809.050.B.

Relevant Approval Criteria:

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

- **33.809.200 Approval Criteria for amendments to a Comprehensive Natural Resource Plan**
- **33.430.250.A Approval Criteria for Utilities**

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 April 6, 2022 and determined to be complete on April 22, 2022.

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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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, 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

Location Map

Construction Management Site Plan