



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

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 19, 2015
To: Interested Person
From: Stacey Castleberry, Land Use Services
503-823-7586 / Stacey.Castleberry@portlandoregon.gov

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, including the written response to the approval criteria and to public comments received on this application, 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 14-250086 EN

GENERAL INFORMATION

Applicant: Flowing Solutions, Incorporated
Attn: Andrew Jansky
3305 SW 87th Avenue / Portland, OR 97225

Owner: Columbia Crossings, LLC
2001 Western Avenue, #330 / Seattle, WA 98121

Site Address: 515 NE Tomahawk Island Drive (Tomahawk Bay Moorage)
Legal Description: TL 100 63.72 ACRES, SECTION 02 1N 1E
Tax Account No.: R941020660 or R314294
State ID No.: 1N1E02 00100
Quarter Section: 1931
Neighborhood: Hayden Island, contact Ron Ebersole at 503-320-8398.
Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-2892.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Hayden Island
Other Designations: 100-year floodplain
Zoning: CGchx-- General Commercial base zone, with Environmental Conservation, Aircraft Landing, and Portland International Airport Noise Impact overlay zones.

Case Type: EN— Environmental Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: Columbia Crossings Marina, LLC owns and operates approximately 1500 boat slips and over 50,000 lineal feet of floating walkways on Hayden Island. Several recent extended high water events have resulted in shoaling and significant damage to the existing docks. The project consists of installing a maintenance access ramp into the water, at the southeast corner

of the Tomahawk Bay Moorage basin, to facilitate future dredging and access for marina repair equipment.

With extensive in-water facilities requiring maintenance and dredging in the future, access for launching work boats, mobilizing materials, and dredge equipment is critical for efficient operation, necessary emergency response, and disabled vessel removal. A heavy duty concrete boat ramp would allow machinery and equipment to be mobilized on Columbia Crossings' Tomahawk Bay property and avoid impact to public boat ramps.

Occasionally, the ramp may be used for other moorage maintenance and access activities. This ramp would be gated and for use only by Columbia Crossings staff, contractors, and boats in the moorage with permission.

The proposed project involves construction of a single-lane, 16-foot wide by 223-foot long (3,568 square-foot) concrete boat ramp. The ramp is to slope into the existing basin at Tomahawk Bay Moorage. The existing ramp slope will be regraded to a 14-15% slope using a track mounted excavator. Approximately 624 cubic yards of material would be removed from below ordinary high water (OHW). A steel rail support system will be placed on the new grade to support the new precast concrete planks, which start at OHW and extend down to approximate elevation -5. The remaining ramp above OHW will be cast-in-place concrete on grade. Small rip-rap (50-150 pound rock) will be placed around the edge of the ramp to control scour for a total fill below OHW of approximately 223 cubic yards.

No dredging is required as part of this work. A floating sediment curtain will be deployed around the excavation during work to prevent turbidity outside of the work area. The curtain will be deployed from land and pulled from shore to avoid trapping of ESA-listed species and to preclude the need for fish salvage by electro-shocking or seining.

The majority of the work site is within the City's Environmental Conservation overlay zone. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, construction of the proposed ramp will disturb approximately 9,500 square feet within the environmental zone, including 5,900 square feet of permanent development, and 3,650 square feet of temporary impact area. The ramp will be partially constructed below top of bank. Standards 33.430.140 A, and C, are not met by the proposal; therefore the work must be approved through an Environmental Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The applicable criteria for the proposed ramp within the Environmental Conservation overlay zone are found in:

Section 33.430.250 E Other Development in the Environmental Conservation zone.

FACTS

Description of the Site: Tomahawk Bay Moorage is located on the north side of Hayden Island, near its east end, in the Columbia River. The project site is approximately one mile upstream from the Interstate-5 bridge. The Columbia River flows east to west through the project area. The area consists of a marina created by dredging and Goose Island located north of the marina. Surrounding banks consist of riprap, dredge spoils, and some native and non-native vegetation. Goose Island separates the eastern and western marina entrances, and protects the moorage area from strong currents and waves of the Columbia River. This island consists of cottonwood saplings, willow, non-native plant species, and open sandy areas.

The ramp construction area is located along the southeast corner of the 22-acre, somewhat rectangular, man-made boat basin at Tomahawk Bay. The basin was dredged to create a moorage in the 1980's. The substrate of the basin is composed of coarse-grained sand. The riverbank is also coarse-grained sand covered by angular riprap. The project site is directly connected to the Columbia River, both seasonally and daily, with the tides. The boat basin has

both an inlet and an outlet, and water actively flows through the basin, flushing it well. Large woody debris is absent.

Adjacent upland is relatively level and approximately 10 to 15 feet above the water level in the basin. Upland development includes extensive parking lots, and two marina buildings. The site has been heavily manipulated and very little Columbia River shoreline habitat or vegetation remains.

A sloped informal ramp already exists at the project location. The surrounding bank slope is generally 2:1 and is partially covered by invasive blackberry, cottonwood trees and other volunteer vegetation. It is a mix of native and invasive species. Some large volunteer cottonwood trees exist on the upper bank.

The sand substrate upon which the proposed ramp is to be constructed is not suitable for salmon spawning, and marginally suitable for benthic invertebrate production. In summary, the near-shore area at the site of the proposed ramp site is not a biologically productive area for most of the fish species within the vicinity, and there is very little riparian or native upland habitat in or near the work area.

Surrounding development is comprised of marina and houseboat moorages. The adjacent undeveloped land to the immediate east contains the remaining black cottonwood/willow forested riparian area of the Columbia River Shoreline.

Zoning: The zoning designation on the site includes the General Commercial base zone, with Environmental Conservation, Aircraft Landing, and Portland International Airport Noise Impact overlay zones (see zoning on Exhibit B).

The General Commercial zone (“CG”) is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Commercial outdoor recreation is an allowed use in the CG base zone. The existing marina falls under this use category and is not proposed to change. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

Environmental overlay zones (“c”) protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less sensitive. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

The Aircraft Landing overlay zone (“h”) limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center. The maximum height designation at this site is mapped as 180 feet, however the CG zone limits building height to a maximum of 45 feet.

The Portland International Airport Noise Impact overlay zone (“x”) reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement. This site is mapped within the 68 DNL noise contour, however no new residential uses are proposed and Noise Impact overlay regulations do not apply to the proposal.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within separate areas throughout the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these respective study areas.

The project site is located within the *Columbia River Industrial/Environmental Mapping Inventory*

Site Number 71. This area is highly disturbed, due to previous development. Open recreational activities in the area include launching ramps, beaches, and bicycle paths. Dominant uses at the site include commercial and industrial activities, as well as moorages and residential development. The site received a wildlife habitat inventory score of 18 out of 100. Regardless of this low rating, the proximity of the site proposed for development to other high-quality natural areas results in a complex of diverse resource character and function that is able to support a broad variety of vegetation and animal life.

Resources and functional values found at this site include flood storage capacity for flood control, water quality, wildlife and fish habitat, and recreational and scenic values.

Land Use History: City records indicate that there have been seven prior land use reviews:

- LUR 00-00713 EN approved construction of a sheet pile diversion structure.
- LUR 91-00779 CU EN AD approved the development of a 150-slip marina.
- LUR 91-00824 EN AD approved the removal and replacement of an Environmental Conservation area and parking Adjustment.
- LUR 96-001199 EN approved the construction of a water main between NE Marine Drive and Tomahawk Island Drive.
- 75-59 MP approved a land division at the site.
- 78-02-05 DZ provided no further information and, therefore, was inconclusive.
- 10-79 PU approved an 1100-space boat moorage with attendant parking for up to 750 automobiles.

The current proposal does not affect the activities approved in these previous land use reviews.

Summary of Applicant's Statement: The proposed project involves installation of a 16-foot wide by 223-foot long (3,568-square foot) concrete boat ramp. The ramp will slope into the existing basin at Tomahawk Bay Moorage. The existing ramp slope is to be revised to a 14-15% slope using a track mounted excavator. A steel rail support system is to be placed on the new grade to support the new precast concrete planks, which start at OHW and extend to elevation -5 +/- . The remaining ramp above OHW will be cast-in-place concrete on grade. Small rip-rap (50-150-pound) will be placed around the edge of the ramp to control scour.

The proposed ramp will cover an area of 5,900 square feet. An additional 3,650 square feet of temporary construction area is needed to build the ramp. The ramp alignment was adjusted to minimize impacts to the shoreline and minimize necessary tree removal. The sand will be graded back, hydro seeded with riparian grass, and covered with coir mat. The mat will be staked in place with willow and red twig dog wood live stake on 3-foot centers from the top of the bank to the ramp edge. Supplemental cuttings will be harvested from native plants along existing shoreline and planted along the bank and areas disturbed during construction.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on January 30, 2015.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. BDS Life Safety, the Portland Fire Bureau, the Bureau of Transportation, and the Urban Forestry section of Portland Parks and Recreation all expressed no concerns with the proposal. BES provided information pertaining to storm water and sanitary sewer infrastructure, and sensitive wildlife species but requested no conditions of approval.

BDS Site Development had questions pertaining to balanced cut and fill, which were answered by the applicant. BDS Site Development administers Titles 24 and 10, which contain the City's Flood Hazard and Erosion and Sediment Control requirements. To meet City Titles 24 and 10 the applicant will be required to provide a "no-rise" analysis stamped by a professional engineer licensed in the state of Oregon at the time of Building Permit; and a geotechnical engineering report will be required at the time of permit application if the work includes the construction of permanent slopes steeper than 2H:1V (see Exhibit E.5 in application case file).

The Water Bureau commented on a water easement crossing the property just south of the project area that the applicant added to site plans in response. Please see the “E” Exhibits in the application case file for details.

2. Neighborhood Review: One e-mailed response was received from a neighboring property owner in response to the proposal. The neighbor expressed concerns with vehicular access to properties to the east of the site, however this was unrelated to any of the Environmental Review approval criteria.

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria for Environmental Review

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: The approval criteria which apply to the proposed new boat ramp are found in Zoning Code Section 33.430.250 E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff have revised these findings or added conditions, where necessary to meet the approval criteria.

33.430.250. E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

Findings: The base zone regulations for the General Commercial zone are presented in Zoning Code Chapter 33.130, and allow 85% of the site to be covered with buildings while requiring 15% of the site to be landscaped (Table 130-3). The proposal to construct an access ramp to the moorage basin does not include any new building area or other above-ground structures. The proposed concrete ramp will permanently cover an area of 5,900 square feet, and follows the alignment of an existing, unvegetated sloping sand embankment that provides informal ramp access to the southeast corner of the basin.

Several measures to minimize impacts have been included in the design. The overall ramp foot print has been minimized to meet the purpose and need, yet allow flexibility for future unanticipated dredging activities and staging needs. The ability to launch large pieces of equipment and large vessel launch trailers that could be up to 14 feet require a total ramp width of 16 feet for safety. The protected ramp location allows use of smaller rip-rap around the perimeter. The project is within the basin and is a no-wake zone, thus additional impacts from boat wakes are not anticipated. The boats using the facility are already located in the basin, thus concern from additional impact from higher boat use is not applicable.

Dock and pilings are not proposed, which significantly minimizes impacts with this proposal.

Upland Best Management Practices will be implemented during construction, and in-water sediment curtain will be deployed prior to any work below OHW. The deployed curtain will also serve as isolation barrier to minimize risk of ESA species entering the work area. And finally, the applicant proposes to remove invasive plants and add replacement plantings in the area of disturbance.

Minimizing the permanent and temporary construction area for the ramp, constructing it in an unvegetated area already serving as an informal sloping access to the basin, as well as replanting disturbed areas with native vegetation minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review.

Therefore, this criterion is met.

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

Findings: This criterion requires the applicant to demonstrate that alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values. The applicant provided the following description of alternative locations, designs, and construction methods considered to reduce impacts:

Location:

This location is within a protected basin owned by Columbia Crossings. Other potential locations are on the main stem Columbia shoreline and would have higher impacts, including to mature riparian areas and need to clear vegetation for an access road. Alternate locations on the main stem Columbia could also impact fish migration and wildlife more common in the main river. This specific location in the basin was selected since many of the slips were damaged during the last major shoaling event, and they have considered eliminating some to provide room at the end. This location also provides direct access to the main river to allow dredge pipes to be pulled down the ramp and floated directly into position. Property farther east supports native riparian vegetation worthy of protection, and proximity to the property line would preclude maneuvering. For these reasons, the proposed location is the least detrimental to fish and wildlife, native riparian vegetation, public river users and commercial traffic, of other practicable locations considered.

Design: Several alternatives were considered for the design including the following:

- a) No-Action: This alternative would include no immediate impacts to the site. However, all construction and emergency access would continue to occur off site, which does not achieve the purpose of the project—to provide a heavy duty concrete boat ramp to allow machinery and equipment to be mobilized on Columbia Crossings property and avoid impact to public boat ramps.
- b) Consolidated Boat Ramp on Island: The concept of a larger public boat ramp on West Hayden Island was discussed at one point, but no proposal for a public boat ramp is currently under consideration. This alternative is not practicable.
- c) Boat Haul-out/Lift: This could meet part of the purpose and need for emergency vessel removal, however large construction equipment mobilization may not be possible, such as pulling continuous flexible dredge pipelines into the water. This option would likely have a higher shoreline impact associated with the required vertical sheet pile wall, dredging and in water fill. This approach would cost more and likely require more active commercial use to make it economically viable.
- d) Proposed Concrete Ramp: The preferred alternative is for a concrete ramp located in the southeast corner of the existing moorage basin. The proposed ramp is to be gated and infrequently used. While a shorter steeper ramp is possible, boat ramps are typically designed between 14%-16% grade. If a steeper ramp were to be constructed the vehicles could not pull the boat up the ramp. For this project the problem would be worse, given the need to pull larger work boats and equipment. (Flatter ramps must extend farther into the water since the trailer needs to go very deep to float a boat off, and the car is actually in the water) The area proposed for the ramp has previously been used for maintenance dredging, and this proposal would reduce the slope of the existing bank, and include appropriate mitigation for the limited impacts.

Construction Methods:

Construction will occur during low water times to reduce impacts of the activity. The ramp will be constructed from land-based equipment, using track mounted equipment. In-water work is limited to grading and placing pre-cast concrete panels over a steel rail frame system. Precast cured concrete will be used for portions of the ramp below Ordinary High Water, to avoid impacts associated the alternative construction technique of pouring and forming (which requires a larger disturbance areas and greater impact to water quality).

Clean angular material will be imported from an upland commercial source. A floating sediment curtain will be deployed to ensure sedimentation does not exit the project area. Mitigation planting will require use of a boat to access Goose Island. All mitigation planting work will be done by hand.

In summary, given the location of the proposed ramp inside the existing moorage basin, within a open, unvegetated sloping footprint; considering that there are no plans for a public ramp on Hayden Island and that a lift would create greater impacts; and with land based construction equipment, using pre-cast concrete panels below Ordinary High Water, and replanting temporary construction areas with native vegetation; the applicant's proposal has fewer impacts to identified resources and functional values than other practicable and significantly different alternatives.

This criterion is met.

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

Findings: This approval criterion requires the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish.

The applicant has provided the following description of construction methods proposed to prevent detrimental impacts on resources beyond the work area:

Best Management erosion control practices will be followed during work and no erodible soils will be left exposed after construction. All in stream work will be completed between November 1 and February 28, or per dates allowed by COE/DSL permits, in order to protect sensitive fish species from impacts on water quality. Further, and specifically with regards to effects on migrating salmon, the ramp has been located as far as practicable from the main stem Columbia River, in an area with poor circulation and higher water temperatures. These areas are the least likely to provide valuable salmon habitat. The project has also been designed to avoid pouring concrete in the water, but will rather use prefabricated concrete panels below Ordinary High Water.

A silt curtain will be placed around the work area during construction to control sediment travelling from the site. The sediment curtain will be deployed on land and pulled into the water, precluding any fish entrapment. This method was approved by NMFS and is regularly used by the applicant to successfully avoid the need for electroshocking.

A track hoe based on shore will remove existing rip-rap and sand, which will be placed upland in a staging area. The staging area will be surrounded by silt fence. Material to be removed is largely sand and will be hauled off site. Rock will be reused as appropriate.

Steel rails will be laid on the slope and gravel will be placed to grade, then the concrete panels that have been pre-cast upland will be placed by crane and slid into the water. Rock to protect from erosion will be placed around the perimeter with a small back hoe. The disturbed slope will be covered with coir erosion control fabric, seeded, then plantings and trees installed. The fabric will be staked and tied into place.

With specific regard to impacts on flood storage capacity along the Columbia River, BDS Site Development has requested information pertaining to balanced cut and fill, which was

provided by the applicant. BDS Site Development administers the City's Flood Hazard and Erosion and Sediment Control requirements. To meet these requirements, the applicant will be required by BDS Site Development to provide a "no-rise" analysis stamped by a professional engineer licensed in the state of Oregon at the time of Building Permit; and a geotechnical engineering report will be required at the time of permit application if the work includes the construction of permanent slopes steeper than 2H:1V (see Exhibit E.5 in application case file).

The duration of the in-water work will be approximately 1 month. All work will be done from land. All equipment and material will be stored upland.

The mitigation plantings shall be conducted during the same work period and will be planted by hand, as there is not vehicle access to the mitigation site on Goose Island. All stock piles and areas of disturbance near the ramp will be restored with native plantings following construction. Upland planting will occur during the dormancy period for the plants used, November – March.

With specific regards to bird habitat, the project does not propose any pilings, structures, or docks. The existing shoreline in the project area is generally rip-rap and provides poor habitat, and this area is infrequently used by special status bird species. Nonetheless, the applicant proposes to survey trees for wildlife before any are removed for the project. If birds or wildlife are present then the migratory nesting bird best management practices will be consulted prior to removal.

The applicant's construction management plan (CMP) will be effective because it provides realistic limits to disturbance while containing the necessary elements (e.g., a workable sediment control plan, pre-cast concrete surfacing, and construction timing appropriate for sensitive species) and it is apparent that the applicant has carefully thought through the potential impacts of construction activities on the property. With conditions of approval for a no-rise analysis and for geotechnical information as required by BDS Site Development staff, the proposed CMP will provide protection of resources and values in areas designated to be left undisturbed. Therefore, with conditions, *this criterion will be met.*

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The applicant's proposed mitigation plan will offset approximately 5,900 square feet of permanent disturbance area (accounting for the paved ramp and the rock perimeter protection) and 3,650 square feet of temporary disturbance area, and mitigate the removal of six trees.

This project includes impacts to existing rip-rapped banks and invasive-species covered banks of the moorage basin. As this area is within an isolated zone within the existing marina, functional values are low. Regardless of low value, impacts will be offset by re-vegetation of the banks disturbed during construction, and by mitigation planting on Goose Island adjacent to the site. The proposed mitigation area on Goose Island is 10,000 square feet, roughly a two-to-one ratio of mitigation area to permanent impact area. The applicant proposes planting 14 native trees and 75 native shrubs in the mitigation area on Goose Island. Temporary construction areas will also be restored with native riparian plantings (10 native trees, live stake cuttings, and hydroseeded riparian seed mix), improving that area over current conditions. Attached Exhibits C.3 and C.8 depict the restoration of the construction area and the Goose Island mitigation area, respectively.

Mitigation was structured to reflect replacement of resources and functional values specifically impacted by the project. These resources are limited in this area per the Columbia River Industrial/Environmental Mapping Inventory for site Number 71. The

baseline wildlife habitat inventory score is 18 which is near the lowest range of all sites inventoried. As the basin was originally constructed and slopes consist largely of rip-rap, where vegetation exists it is predominantly invasive. The proposed project will have limited short term impacts and proposed mitigation will offset long term impacts. The project site is a rip-rap protected steep slope, commonly considered to be poor habitat. It was originally non-vegetated and trees are volunteers and invasive/natives. Slopes disturbed will be re-vegetated using bioengineering methods and native plants selected from the Portland Plant List. Typically plants do not survive below the OHW line, which is generally near the 'level of persistent woody vegetation' The applicant therefore proposes planting areas that have the highest likelihood of success.

The applicant proposes to monitor and maintain the mitigation plantings. If the survival rate is determined to be less than 90% in any given year, a watering schedule will be arranged to ensure plant survival. If, at the end of 2 years, the overall survival rate is determined to be less than 80%, the dead plants will be replaced up to 80% of the original plantings. The replanting, if necessary, will take place within one planting season.

In order for the City to confirm the success of the mitigation proposal, inspection of the plantings by City staff will be required following the 2-year establishment period proposed by the applicant.

With conditions to ensure that mitigation and restoration plantings are maintained and inspected, *this criterion can be met.*

5. **Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and**
6. **The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.**

Findings: Mitigation for significant detrimental impacts will be conducted on the same site as the proposed use or development, which is in the same watershed as the construction area, and within the Portland city limits.

Restoration plantings will occur in the area disturbed. The mitigation plantings will occur within 500 feet of the disturbed area. The applicant is the manager of Columbia Crossings LLC, which owns the site.

These criteria are met.

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 development standards of Title 33 can be met, including the requirements of Chapter 33.258 Nonconforming Situations, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process, based on other City Titles, as administered by other City service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical requirements applicable to this proposal. This list is not final, and is subject to change when final permit plans are provided for City review.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17 - Transportation System Plan	503-823-5185 www.portlandonline.com/transportation
Site Development Services	Titles 24 - Building Code, Erosion Control, Flood plain, Site Development	503-823-7300 www.portlandonline.com/bds

CONCLUSIONS

The applicant proposes to construct a construction access ramp at the southeast corner of the existing Tomahawk Bay Moorage, owned by Columbia Crossings LLC. The ramp would be used primarily by Columbia Crossings staff to mobilize machinery and equipment in the moorage area, for in-water activities such as dredging, disabled vessel removal, and dock repairs.

The 16-foot wide, by 223-foot long concrete ramp will be constructed of cast in place concrete above Ordinary High Water, and pre-cast concrete panels below Ordinary High Water. Construction management techniques will contain impacts to the immediate construction area. Temporary construction areas will be restored with native riparian plantings and permanent disturbance areas will be mitigated with native plantings on Goose Island.

The applicants and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

Construction of a concrete construction access ramp with riprap edge and toe protection, and rock perimeter protection, within the Environmental Conservation overlay zone, and in substantial conformance with Exhibits C.3 through C.10, as approved by the City of Portland Bureau of Development Services on **March 17, 2015**. Approval is subject to the following conditions:

A. A BDS construction permit is required. Copies of the stamped Exhibits C.3 through C.10 from LU 14-250086 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, Zoning, Site Development, erosion control, etc. See "Other Technical Requirements" listed above). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 14-250086 EN Exhibits C.3 through C.10."***

1. The applicant shall provide a "no-rise" analysis, stamped by a professional engineer licensed in the State of Oregon, at the time of Building Permit submittal, as required by BDS Site Development.
2. The applicant shall provide geotechnical engineering report at the time of Building Permit submittal, if the work includes the construction of permanent slopes steeper than 2H:1V, as required by BDS Site Development.

B. Temporary construction fencing shall be installed according to tree protection measures in Title 11 Tree Code, chapter 11.60, except as specified below. Temporary, 4-foot high,

construction fencing shall be placed along the Limits of Construction Disturbance for the approved development, as depicted on Exhibit C.9 and C.10 Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.

1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.

C. A BDS Zoning Permit is required for approval and inspection of mitigation plantings: A total of 24 trees, 75 shrubs, and hydroseeded native ground covers selected from the Portland Plant List, shall be planted on Goose Island and along the southeast edge of the ramp, in substantial conformance with Exhibits C.3 and C.8 (Proposed Development Site Plan and Planting, and Mitigation Site Plan).

1. Plantings shall be installed between October 1 and March 31 (the planting season).
2. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.
3. All mitigation and remediation shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector. All tape shall be a contrasting color that is easily seen and identified.
4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.

D. The land owner shall maintain the required plantings for two years to ensure survival and replacement. The land owner is responsible for ongoing survival of required plantings during and beyond the designated two-year monitoring period. The landowner shall:

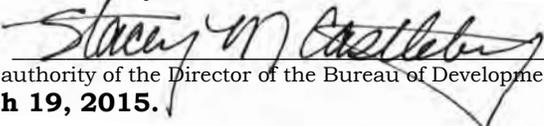
1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. 80% of the required plantings shall be surviving at the 2-year inspection, or shall be replaced.

E. Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

This decision applies to only the City's environmental regulations. Activities which the City regulates through PCC 33.430 may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

Staff Planner: Stacey Castleberry

Decision rendered by:  **on March 17, 2015.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 19, 2015.

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 December 16, 2014, and was determined to be complete on **January 28, 2015.**

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 December 16, 2014.

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 requested that the 120-day review period be extended for 30 days, as stated with Exhibit (Exhibit #A.2) Unless further extended by the applicant, **the 120 days will expire on: June 27, 2015.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 2, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **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 Hearings Officer 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 Hearings Officer 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 3, 2015 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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.

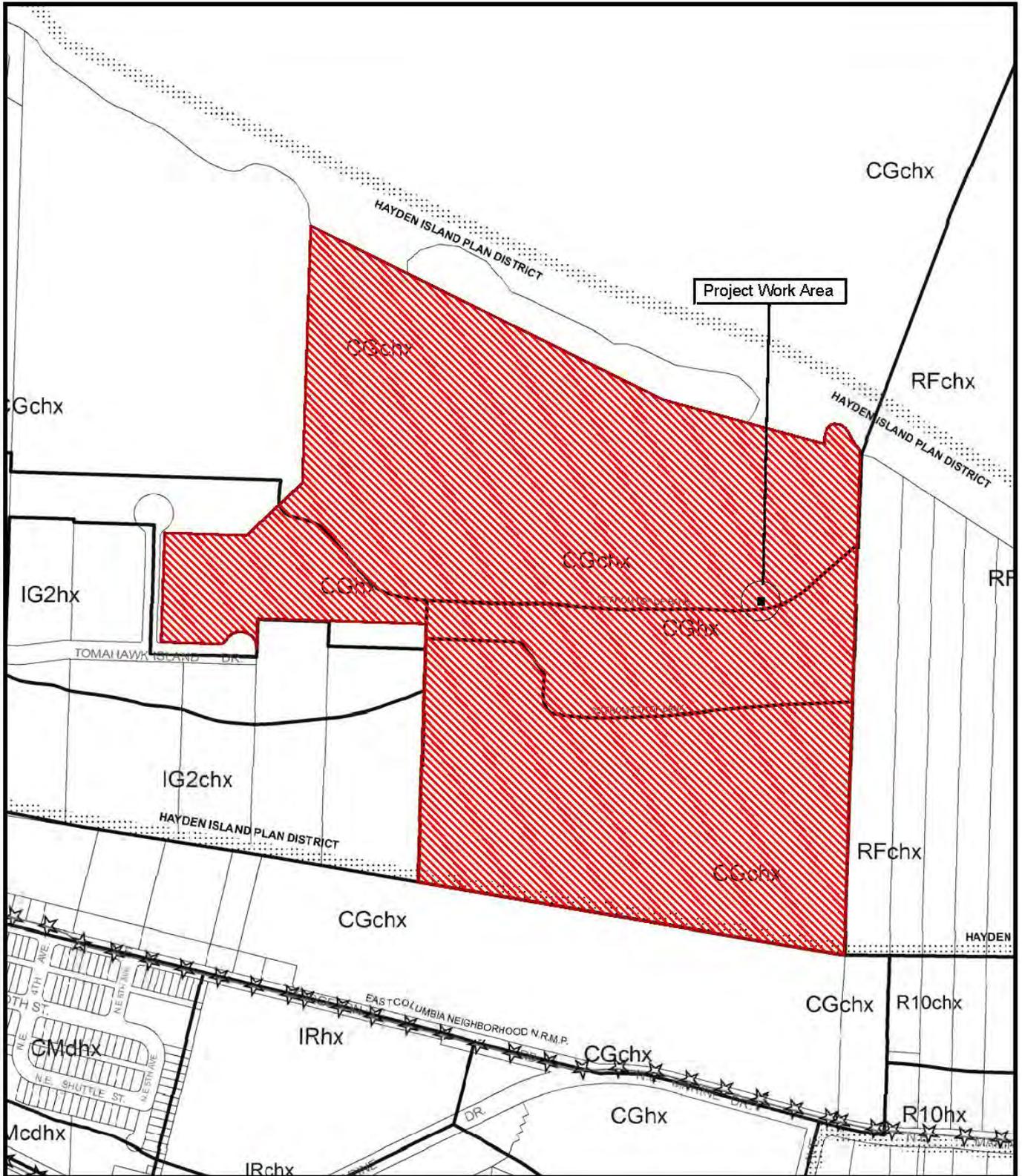
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
 - 1. Environmental Review narrative
 - 2. 120- Day Extension Request for 30 days
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Site Survey
 - 2. Existing Conditions with Proposed Ramp
 - 3. Proposed Development Site Plan and Planting (attached)
 - 4. Ramp Profile (attached)
 - 5. Ramp Layout (attached)
 - 6. Ramp Details (attached)
 - 7. Impact Area Overview
 - 8. Mitigation Site Plan (attached)
 - 9. Construction Management Plan w/cut & fill info (attached)
 - 10. Construction Management Plan w/tree removal info (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life-Safety Review Section of BDS
- F. Correspondence:
 - 1. Nancy Burke, 7285 SW Brenne Lane, Portland, OR 97225; concerns with access to property east of the site.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. History for 515 NE Tomahawk Is Drive re: use category.

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

-  Site
-  Project Work Area
-  Recreational Trail



This Site Lies Within The:
HAYDEN ISLAND PLAN DISTRICT

File No.	<u>LU 14-250086 EN</u>
1/4 Section	<u>1831,1931</u>
Scale	<u>1 inch = 400 feet</u>
State_Id	<u>1N1E02 100</u>
Exhibit	<u>B (Dec 17, 2014)</u>

Approved

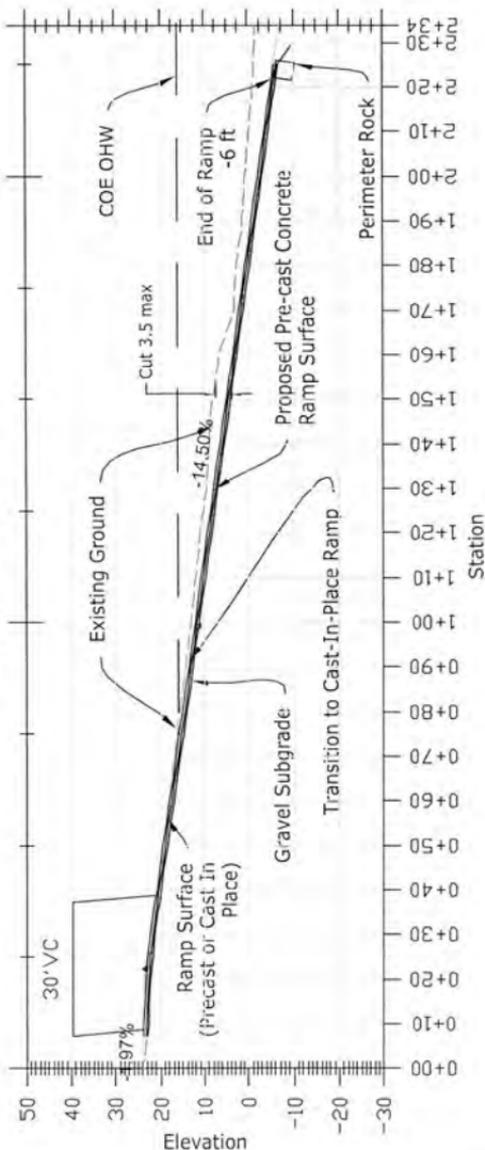
City of Portland - Bureau of Development Services

LU # **LU 14-250086**

FILED OF *Steve M. Hart* Date *3/17/15*

* Approval for Environmental Review only. Not a building permit. Additional zoning requirements may apply.

Ramp Centerline



SCALE 1"=30'

Flowing solutions



Flowing Solutions
3305 SW 87th Avenue
Portland, OR 97225
Phone (503) 297-6311
Fax (503) 297-6053

SHEET TITLE: RAMP PROFILE

PROJECT: CONSTRUCTION ACCESS RAMP
515 NE TOMAHAWK ISLAND DRIVE
PORTLAND, OR 97217

RIVER/MILE: COLUMBIA RIVER MILE 106

C.R.D.

DATE:
1/19/15

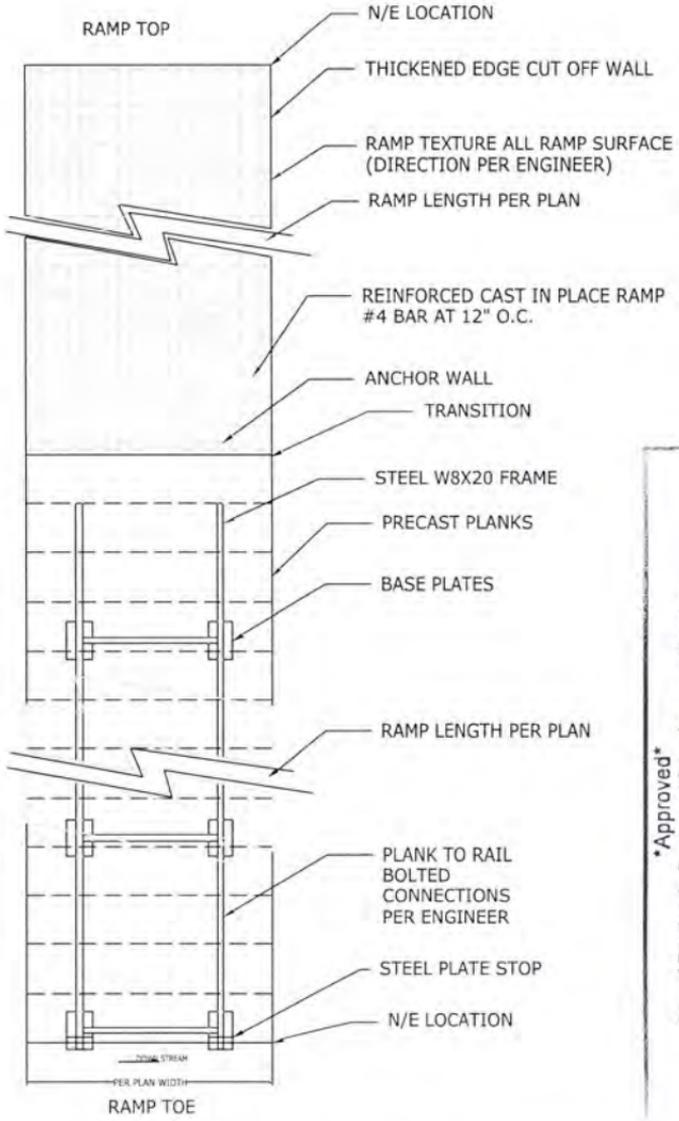
SHEET NO.
7/12

LU 14-250086 EN

C.4

TRANSITION TO OCCUR ABOVE WATER LEVEL

CAST-IN-PLACE REBAR LAYOUT PLAN



PLANK LAYOUT PLAN

Approved

City of Portland - Bureau of Development Services
 LU # **LU 14-250086**
 Planner: *Stacey Mast* Date: *3/17/15*

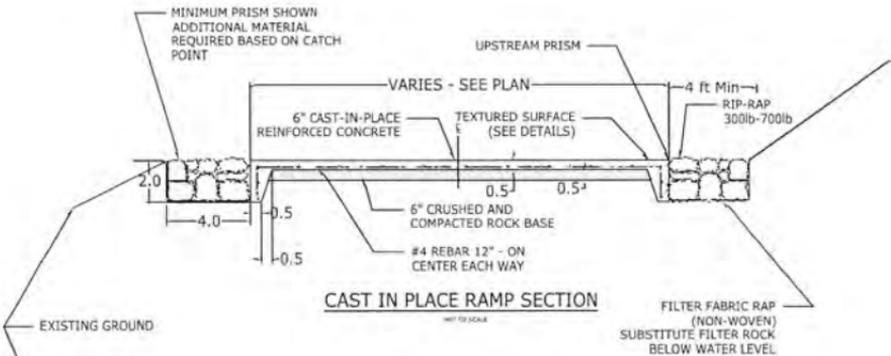
* Approval for Environmental Review only. Not a BRAMP LAYOUT
 Additional zoning requirements may apply. NOT TO SCALE

Flowing solutions

 Flowing Solutions
 3305 SW 87th Avenue
 Portland, OR 97225
 Phone (503) 297-8311
 Fax (503) 297-6053

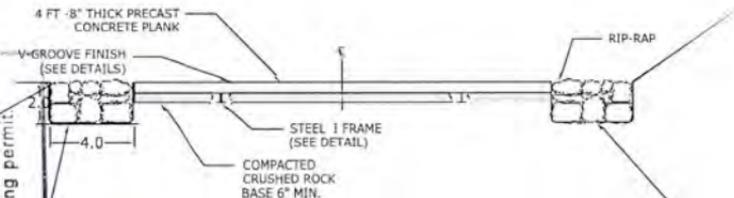
SHEET TITLE: RAMP LAYOUT		DATE: 1/19/15
PROJECT: CONSTRUCTION ACCESS RAMP 515 NE TOMAHAWK ISLAND DRIVE PORTLAND, OR 97217		
RIVER/MILE: COLUMBIA RIVER MILE 106	C.R.D.	8/12

C.5



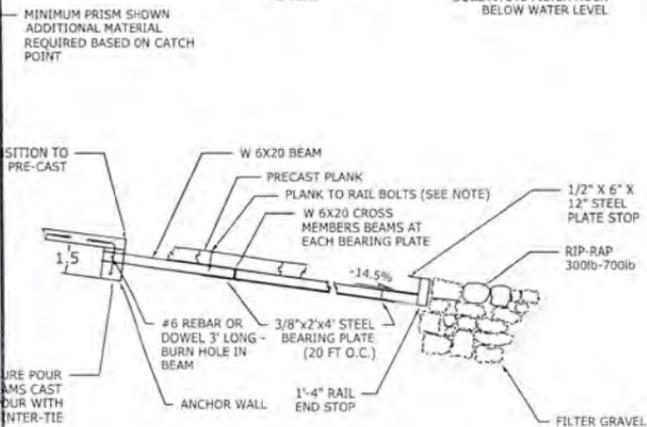
CAST IN PLACE RAMP SECTION

FILTER FABRIC RAP (NON-WOVEN) SUBSTITUTE FILTER ROCK BELOW WATER LEVEL



PRE-CAST RAMP SECTION

FILTER FABRIC RAP (NON-WOVEN) SUBSTITUTE FILTER ROCK BELOW WATER LEVEL



PRE-CAST PLANK/RAIL PROFILE

SCALE 1" = 40'

Approved

City of Portland - Bureau of Development Services

LU # **LU 14-250086**

Planner: *Stacy M. Platt* Date: *3/17/16*

* Approval for Environmental Review only. Not a building permit. Additional zoning requirements may apply.

Flowing solutions



Flowing Solutions
3305 SW 87th Avenue
Portland, OR 97225
Phone (503) 297-6311
Fax (503) 297-6053

SHEET TITLE: RAMP DETAILS

PROJECT: CONSTRUCTION ACCESS RAMP
515 NE TOMAHAWK ISLAND DRIVE
PORTLAND, OR 97217

RIVER/MILE: COLUMBIA RIVER MILE 106

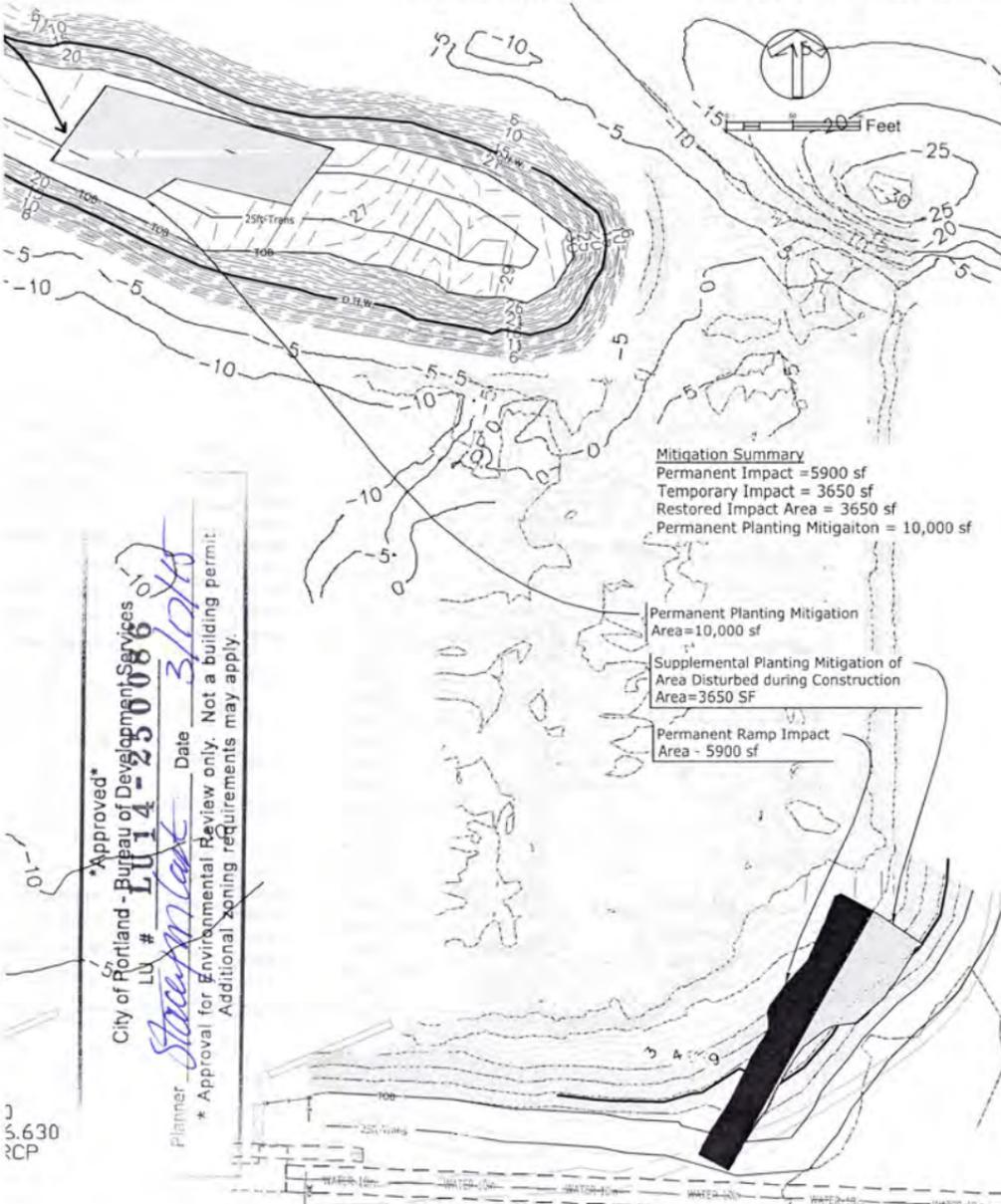
C.R.D.

DATE: 1/19/15

SHEET NO. 9/12

LU 14-250086 EN

C.6



Mitigation Summary
 Permanent Impact = 5900 sf
 Temporary Impact = 3650 sf
 Restored Impact Area = 3650 sf
 Permanent Planting Mitigation = 10,000 sf

Permanent Planting Mitigation Area = 10,000 sf

Supplemental Planting Mitigation of Area Disturbed during Construction Area = 3650 SF

Permanent Ramp Impact Area - 5900 sf

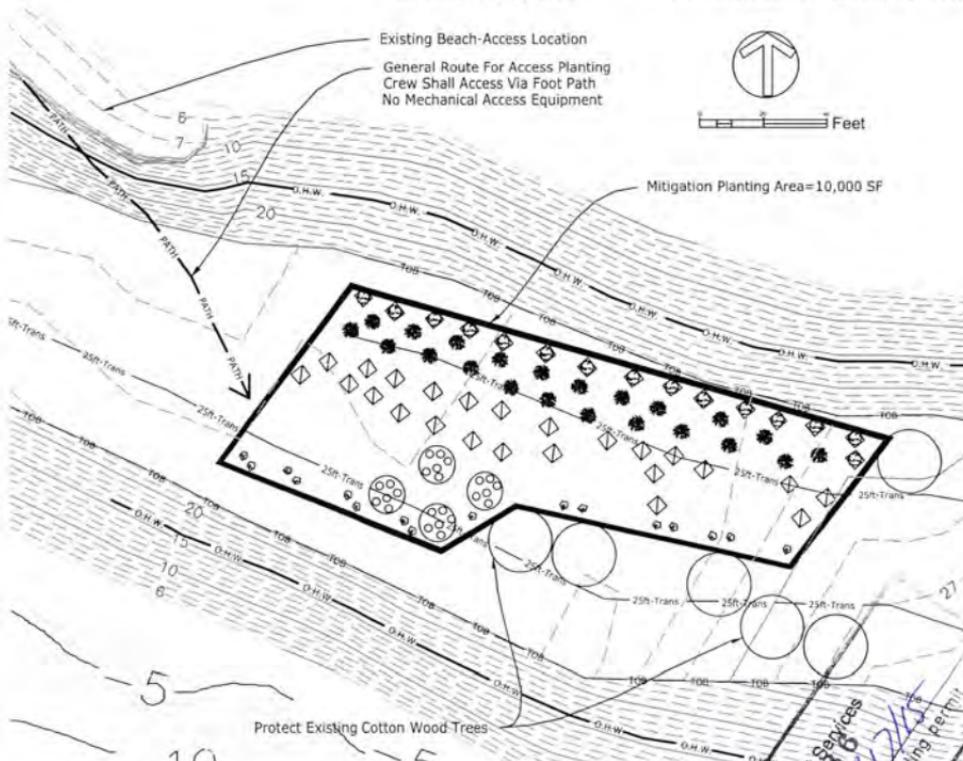
* Approved*
 City of Portland - Bureau of Development Services
 LU # **LU 14-250086**
 Planner *Stacy M. Lake* Date *3/19/15*
 * Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

J
 S.630
 PCP

Flowing solutions  Flowing Solutions 3305 SW 87th Avenue Portland, OR 97225 Phone (503) 297-6311 Fax (503) 297-6053	SHEET TITLE: IMPACT AREA OVERVIEW	DATE: 1/19/15
	PROJECT: CONSTRUCTION ACCESS RAMP 515 NE TOMAHAWK ISLAND DRIVE PORTLAND, OR 97217	SHEET NO. 10 / 12
	RIVER/MILE: COLUMBIA RIVER MILE 106	C.R.D.

LU 14-250086 EN

C.7



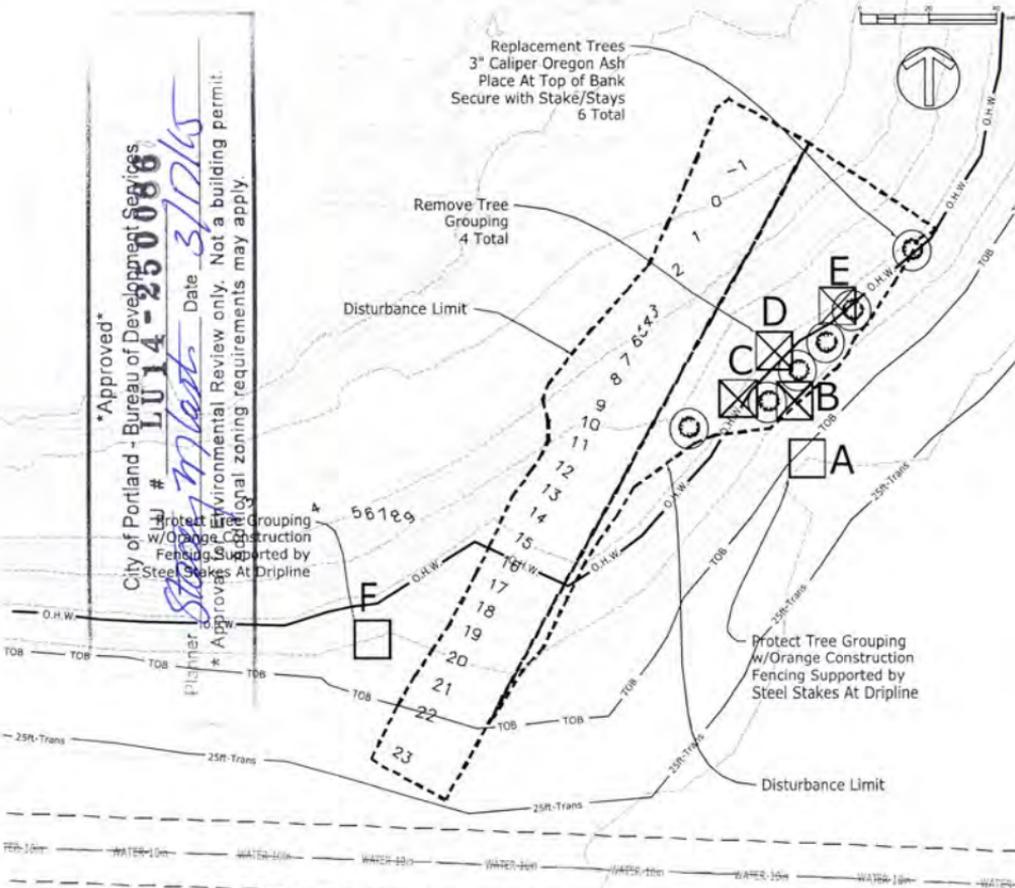
-  Red Alder 2" Caliper - Full Plants (7 count)
-  Oregon Ash 2" Caliper - Full Plants (3 count)
-  Shore Pine 5 ft Height - Full Plants (4 count)
-  Sitka Willow - Full Plant (20 count)
-  Red Twig Dogwood - Full Plant (15 count)
-  Snow Berry - Full Plant (16 count)
-  Nootka Rose - Full Plant (24 count)

City of Portland - Approver
 LU # **LU 14-250086**
 Planner **Stacy Mart** Date **3/11/15**
 Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

 Flowing Solutions 3305 SW 87th Avenue Portland, OR 97225 Phone (503) 297-6311 Fax (503) 297-6053	SHEET TITLE: MITIGATION SITE PLAN (ALSO SEE PAGE 6)	DATE: 1/19/15
	PROJECT: CONSTRUCTION ACCESS RAMP 515 NE TOMAHAWK ISLAND DRIVE PORTLAND, OR 97217	SHEET NO. 11/12
RIVER/MILE: COLUMBIA RIVER MILE 106	C.R.D.	

C.B

Approved
 City of Portland - Bureau of Development Services
 LU # **LU14-250086**
 Planner **Stacy M. Lamb** Date **3/2/15**
 * Approve for Environmental Review only. Not a building permit.
 * Additional regional zoning requirements may apply.



EXISTING TREE SCHEDULE - COTTON WOOD

GROUP	Dia.	Dia.	Dia.	
A	21"	11"	8"	TO BE REMOVED TO BE REMOVED TO BE REMOVED TO BE REMOVED
B	16"	12"	10"	
C	8"	<6"		
D	12"			
E	8"			
F	10"			

TOTAL TREES TO BE REMOVED = 6
 TOTAL TREES TO BE REPLANTED = 6

REQUIRED PER CONDITIONS OF APPROVAL
 LU 14-250086 EN

<p>Flowing Solutions 3305 SW 87th Avenue Portland, OR 97225 Phone (503) 291-6311 Fax (503) 297-6053</p>	SHEET TITLE: CONSTRUCTION MANAGEMENT PLAN	DATE: 1/19/15
	PROJECT: CONSTRUCTION ACCESS RAMP 515 NE TOMAHAWK ISLAND DRIVE PORTLAND, OR 97217	SHEET NO. 12
	RIVER/MILE: COLUMBIA RIVER MILE 106	C.R.D.

C.10