



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: August 21, 2008
To: Interested Person
From: Sheila Frugoli, Land Use Services
503-823-7817 / frugolis@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-120110 NU

GENERAL INFORMATION

Representative: Michael Cerbone, Planning Consultant
WRG Design Inc
5415 SW Westgate Drive #100
Portland, OR 97221

Applicant Costco Wholesale Corporation
Atten: Kim Sanford
999 Lake Drive
Issaquah, WA 98027

Site Address: 4849 NE 138TH AVE

Legal Description: TL 600 BLOCK 3&8, SPACE INDUSTRIAL PK
Tax Account No.: R783400870
State ID No.: 1N2E23A 00600
Quarter Section: 2544

Neighborhood: Argay, contact Valerie Curry at 503-256-5579.
Business District: Columbia Corridor Association, contact Land Use at 503-287-8686.
Parkrose Business Association, contact Alison Stoll at 503-823-3156.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Columbia South Shore
Zoning: IG2p, General Industrial 2 zone with the "p", Environmental Protection overlay zone

Case Type: NU, Nonconforming Situation Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is requesting a Nonconforming Situation Review in order to expand the Portland Costco store, a Retail Sales and Service Use, by 11,397 square feet. To

accommodate the expansion, three of the seven on-site loading area bays will be removed. The addition will provide additional space for product sales. The store hours will remain the same.

This proposal also includes significant changes to the site to address Columbia South Shore Plan District environmental zone standards and to fully meet nonconforming upgrade standards for parking lot landscaping. Further, to improve on-site maneuvering and to reduce traffic conflicts on NE 138th Avenue, the applicant is proposing to lengthen the stacking lanes at the existing fuel station. The parking spaces currently located within the Environmental Protection area on the far north side of the parking lot will be removed. That area will be replanted with native trees, shrubs, groundcover and will include a new stormwater swale. In order to maintain the same number of on-site parking spaces--945, new parking will be developed in the southeast portion of the site. The applicant proposes additional trees along the perimeter of the parking lot and 120 new trees within the interior of the parking lot. The additional trees and the installation of groundcover in the interior islands will result in full compliance with current standards. In total, the applicant intends to install 228 additional trees, 1,671 shrubs, 10,892 1-gallon-size groundcover plants and apply a meadow seed mix on 39,788 square feet of the site.

In the IG2 zone, a retail use is allowed up to 25,000 square feet in floor area, if reviewed and approved as a Conditional Use. Retail uses, larger than 25,000 square feet, are prohibited. Because this store is presently 162,115 square feet in size, a request to expand and further exceed the maximum retail allowance requires a Nonconforming Situation Review. *Prior to May 14, 1999 the Zoning Code allowed up to a 1 to 1 floor area ratio (FAR) for retail uses in the I and E zones, when approved as a Conditional Use. In 1988 and 1993, the City granted Conditional Use approval for improvements to this Costco store.*

Note: Because the applicant now intends to remove the paved parking area located within the Environmental Protection overlay zone and install landscaping, the applicant has withdrawn LU 07-152421 AD (an Adjustment request to waive Zoning Code standard 33.515.278.B.17, a request to allow the paving area to remain).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are Nonconforming Situation Review—criteria 33.258.080.B.1 and 3.

ANALYSIS

Site and Vicinity: This 19.7 acre site is developed with a 162,115 square-foot Costco Warehouse, a “large format” retail store and a Costco fuel center with multiple fuel pumps and service stacking lanes. The store is set back over 650 feet from NE 138th Avenue. The fuel center is adjacent to the street. Vehicle parking and maneuvering take up most of the remainder of the site, except for landscaping, a loading area at the rear of the store and a vacant area at the southeast corner of the site.

A segment of the Columbia Slough runs through the northern edge of the site. The store and parking area abut a landscape strip, varying in width from 40 feet to 20 feet. This landscape strip separates the developed portion of the site and the slough’s top of bank. A 12.5-acre wetland, owned and managed by the City of Portland Bureau of Environmental Services, is located east of the site, on the other side of NE 138th Avenue, adjacent to the slough. Except for this public facility, the site is surrounded by industrial development.

NE 138th Avenue is a two lane roadway with curbs and area for on-street parking on both sides. Access onto the site is via NE 138th Avenue. NE Whitaker Way connects to NE 138th Avenue. This local service street provides a connection from NE 122nd Avenue. Also NE Sandy Boulevard and NE Airport Way intersect with NE 138th Avenue. There are traffic signals at those intersections.

Zoning: The site is located within IG2, General Industrial 2 and the Southern Industrial Subdistrict of the Columbia South Shore Plan District. A portion of the site is within the “p”, Environmental Protection overlay zone.

The IG2 zone is one of three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The Columbia South Shore Plan District applies regulations intended to attract a diversity of employment opportunities. This plan district also applies regulations intended to protect significant environmental and scenic resources. Development standards for the Southern Industrial Subdistrict reflect the City’s standards for general industrial areas. The Environmental Zone regulations of the Columbia South Shore Plan District are the applicable provisions for the environmental overlay zoning within the plan district boundary.

Land Use History: City records indicate that prior land use reviews include the following:

- **Multnomah County CU 69-86:** Prior to City annexation, the County gave Conditional Use approval to allow conversion of an office and wholesale use to a Costco store. A condition required the site be limited to “wholesale” use only.
- **CU 11-88:** After determining that the store was a retail use and therefore required a Conditional Use Review, the City approved a 22,304 square foot expansion.
- **LUR 93-00770 CU EN AD:** The City approved as a Conditional Use a 30,120 square foot expansion of the retail use and an additional 124 parking spaces. An Adjustment to reduce the required number of covered bicycle parking spaces and an Environmental Review for development within the Environmental Conservation overlay zone were approved concurrently. Conditions required landscaping of the parking lot, mitigation landscaping in the e-zone and right-of-way improvements.
- **LUR 01-00505 EN:** The City approved an Environmental Review for bank restoration and native planting along a 7-mile stretch of the Columbia Slough. A segment passes through the northern edge of the Costco site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 18, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The **Bureau of Transportation Engineering** responded with the following comments: The applicant provided a memo, prepared by Kittelson and Associates, Inc. The memo included information about trips generated by the proposed expansion. The proposed expansion could result in a 7 percent increase in trips over existing levels. Similar expansions at other Costco warehouses indicate that the increase might be as low as 3 percent. No additional parking impacts were noted. Portland Transportation is not aware of any impacts of this store on the on-street parking. No additional parking impacts are expected. The memo also included information about annual door counts from 2001 to 2008. The data indicates that there been an overall decrease in customers at this site after 2004. The counts indicate a 21 percent reduction in customers. In 2004, a Costco opened in Vancouver, Washington. Prior to that time, the 138th Costco was closest in proximity to residents in Clark County. This memo indicates that the reduction in annual door count totals after 2004 is largely due to the opening of the Vancouver warehouse.

While the proposed expansion is expected to result in a trip increase of 3-7 percent over current levels, Portland Transportation can conclude that the transportation system can

support the additional 3-7 percent increase in trips. Since the pre-2004 customer levels have not been reached yet and won't be reached by this expansion, it is expected that the transportation system can support the additional trips.

The proposal also includes revisions to the southern access and entry into the gas station. These changes are not expected to affect current trip levels or on-street parking impacts. They will improve the site access and circulation and reduce conflicts that might occur if gas station queues exceed storage length (Exhibit E.1).

The **Bureau of Environmental Services (BES)** responded with the following comments: BES supports the restoration of the riparian area along the north edge of the parking lot as the area is within an Environmental Protection zone. BES offered a number of suggested changes to the replanting of the e-zone, where the parking area will be removed. In addition to other comments, BES noted that loading docks (material transfer areas) must be protected from rainwater/stormwater within the first 3 feet of the dock face. The area must be hydraulically isolated and plumbed to the sanitary sewer system (Exhibit E.2)

The **Site Development Section of BDS** responded with the following comments: Please refer to the response from BES regarding stormwater management requirements. Discharge into the Columbia Slough requires BES and the Multnomah Drainage District approval. Erosion control requirements of Title 10 apply to both site preparation work and development. Applicant should be advised that an erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon, registered professional engineer, and special inspections by the CSPEC or P.E. during construction, may be required at the time of building permit application. Lastly, Site Development recommends the applicant be required to submit a Third Party Landscape Certification by a landscape architect or similar professional showing that all required plants have been installed. To ensure ease of inspection for compliance with the plan, all required plants must be flagged (Exhibit E.3).

The **Multnomah Drainage District #1** responded with the following comments: Approval should be granted with a condition that requires the design of the outfall, from the proposed stormwater swale to the Columbia Slough, shall be coordinated and approved by the District prior to construction. The Drainage District has management responsibilities for all drainage ditches, canal, sloughs, waterways and levees within the boundaries of the district (Exhibit E.4). *Staff Note: This application does not include details/plans showing the proposed outfall. The applicant has been advised to contact Drainage District staff to verify compliance, prior to building permit submittal. This review addresses improvements landward of the top of bank and therefore a condition requiring Drainage District approval is not necessary.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 18, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.258.010 Purpose

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming

situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

33.258.080 Nonconforming Situation Review

B. Approval criteria. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:

- a. The hours of operation;

Findings: The proposed expansion will not impact or alter the store's hours of operation. The applicant is not proposing to alter, reduce or increase its hours of operation. Hence, there will be no net increase in detrimental impacts on the surrounding area.

- b. Vehicle trips to the site and impact on surrounding on-street parking;

Findings: The applicant is proposing to remove parking spaces from a portion of the site that is environmentally-zoned and intends to install additional landscaping islands. New parking spaces will be developed in the southeastern corner of the site so that there will be no decrease in parking spaces available on the site. The site will continue to provide 945 parking spaces. The 945 spaces will address parking demands for the proposed 173,512 square foot store. The parking ratio provided is 1 parking space per approximately 184 square feet of retail floor area. This ratio far exceeds the Zoning Code required minimum of one space per 500 square feet of floor area. No net detrimental impact of on-street parking is anticipated.

The applicant has submitted a report, prepared by registered traffic engineers at Kittelson and Associates Inc. (Exhibit A.2.b). The report states that a 11,397 square foot expansion will increase traffic activity from current levels by a conservative estimate of 7 percent. However, other similar Costco expansions have resulted in only a 3 percent increase. Using annual customer counts, in 2001 the Portland Costco store had a customer count of 2,109,270. The number peaked in 2004 at 2,293,073. Due to the opening of the Vancouver, Washington Costco store, this store's customer count showed a significant decline. In 2008, there were 1,805,408 customers. Kittelson asserts that the Vancouver store is "mitigation" for the proposed Portland store expansion. The report states that even with a 7 percent increase in customers, the number will be under the highest counts, which were 21 percent higher in 2004. The consultants state that the expanded store will generate 16 percent less traffic at peak hour than what it generated in 2004. This report implies that there will be no detrimental impacts associated with the retail expansion given that the transportation system was able to accommodate 21 percent more customers in 2004.

However, staff does not concur with these conclusions. First, the opening of another store is at best an “off-site” mitigation that does not adequately address the criteria. This decision cannot impose conditions that would address the status of the Vancouver store or other Costco stores that increase or decrease the customer counts at the Portland store. Second, the criteria requires a comparison of impacts generated by the existing development and those impacts anticipated from the proposed development. An increase from 3 to 7 percent is expected in the number of customers coming to the store. Although the increase is relatively modest, it should be addressed.

The Kittelson report, however, offers useful information for Portland Transportation staff particularly given the applicants’ desire to change the southern-most entrance onto the site and to lengthen the stacking lanes for the fuel center. The Portland Transportation concluded that the transportation system can support the additional 3-7 percent increase in trips. The proposed changes to the southern access and entry into the gas station will improve the site access and circulation and reduce conflicts that might occur if gas station queues exceed storage length.

The improvements to the internal maneuvering at the fuel center, the improvements in the southeastern portion of the site which includes a wider vehicle entrance to the fuel station, parking lot landscaping and removal of paved parking in the environmental protection overlay zone serve as mitigation that will lessen the overall impacts of the store expansion to the surrounding area. Enhancements that will directly benefit the functional value of the slough, a natural resource, will enhance the area. Further, landscaping of the parking lot, to meet current standards will soften this large commercial site and serve to reduce air and water pollution and visual impacts. Lastly, the changes to the internal maneuvering will mitigate any transportation-related impacts created by the larger store. Conditions will require the construction/installation of the landscaping and site improvements to the parking area and fuel center. Through compliance with conditions, this criterion is met.

c. Noise, vibration, dust, odor, fumes, glare, and smoke;

Findings: Because the expansion will be fully within an enclosed building and will function as commercial retail space, there will be no increases in off-site impacts such as noise, odor and smoke. This criterion is met.

d. Potential for increased litter; and

Findings: The applicant states that the store has adequate garbage and recycling bins for customers and the store regularly sweeps the parking lot, removing debris and litter. The proposed expansion will not increase the amount or likelihood of litter that would adversely impact adjacent properties. This criterion is satisfied.

e. The amount, location, and nature of any outside displays, storage, or activities; and

Findings: The floor area expansion will occur within an enclosed building. Therefore, this criterion does not apply.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:

- a. Building scale, placement, and facade;
- b. Parking area placement;
- c. Buffering and the potential loss of privacy to abutting residential uses;
and
- d. Lighting and signs; and

Findings: The site is located within the IG2 zone. Therefore, this criterion does not apply.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

Findings: In addition to retail floor area expansion, the applicant is proposing to modify the access points and stacking lanes of the Costco fuel station facility and is proposing to remove paved parking spaces from the environmentally-zoned area adjacent to a protected water body—the Columbia Slough, and will be upgrading the site to comply with current parking lot landscaping standards.

The improvements to the fuel station will improve on-site maneuvering and will reduce conflicts with retail traffic adversely impacting the industrial traffic on NE 138th Avenue. Actions taken to comply with the Columbia South Shore Environmental zone regulations will bring this large site in-keeping with the desired function and character of Columbia South Shore industrial/employment sites. Protection of environmental resource functions is a key component of the plan district. And landscape upgrades will enhance the overall appearance of development. Even in the industrial sanctuary, vehicle parking area must meet perimeter parking lot landscaping requirements and include interior parking lot landscaping areas to address air quality, water quality (stormwater management), cooling and visual enhancement. A parking lot that complies with current standards will certainly not detract from the desired function and character of the industrial zone and Columbia South Shore Plan District.

Through compliance with conditions that require the completion of changes to the fuel station maneuvering area, the installation of landscaping, including the removal of parking in the environmental zone, this criterion is 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, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.


CONCLUSIONS

Based on the findings of this report, the approval criteria are met or will be met through compliance with conditions of approval. Even though this proposal will increase the number of customers by 3 to 7 percent, the proposed site improvement will mitigate any impacts. Conditions will require full implementation of the proposed landscaping and parking maneuvering/stacking improvements.

ADMINISTRATIVE DECISION

Approval of the Nonconforming Situation Review to expand a Retail Sales and Service Use in an IG2 zone from 162,115 to 173,512 square feet, per the approved site plans, Exhibits C.1 through C.3, signed and dated August 19, 2008, 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 08-120110 NU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Landscaping improvements within the environmental conservation area and to address parking lot landscaping standards, in substantial conformance with the approved plans (Exhibits C.2-C.3) must be installed prior to final inspection. A Third Party Landscape Certification, by a landscape architect or similar professional, must be submitted to document that all required plants have been installed. To ensure ease of final inspection for compliance with the plan, all required plants must be flagged.
- C. Site improvements to the fuel center maneuvering area and stacking lanes must be completed prior to final inspection.

Decision rendered by:  **on August 19, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 21, 2008

Staff Planner: Sheila Frugoli

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 April 3, 2008, and was determined to be complete on July 14, 2008.

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 April 3, 2008.

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.

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 September 4, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **September 5, 2008 – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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. Original Submittal, dated April 3, 2008
 2. Revised Application, dated July 10, 2008
 - a. Narrative, responding to approval criteria and applicable development standards
 - b. Trip Generation letter from Kittelson and Associates, Inc., dated May 26, 2008
 - c. Memo from WRG to the Bureau of Environmental Services addressing Water Quality Facility design, dated August 12, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Revised Site Plan, dated July 11, 2008 (attached)
 2. Tree Plan, dated July 11, 2008 (attached)
 3. Landscaping Plan for swale and new parking area, dated July 11, 2008 (attached)
 4. Swale Plan, dated July 9, 2008
 5. Existing Conditions
 6. Proposed Concept Floor Plan
 7. Proposed Alterations/Expansion --Exterior Elevations
 8. Concept Site Plan, Original Submitted, dated March 3, 2008
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:

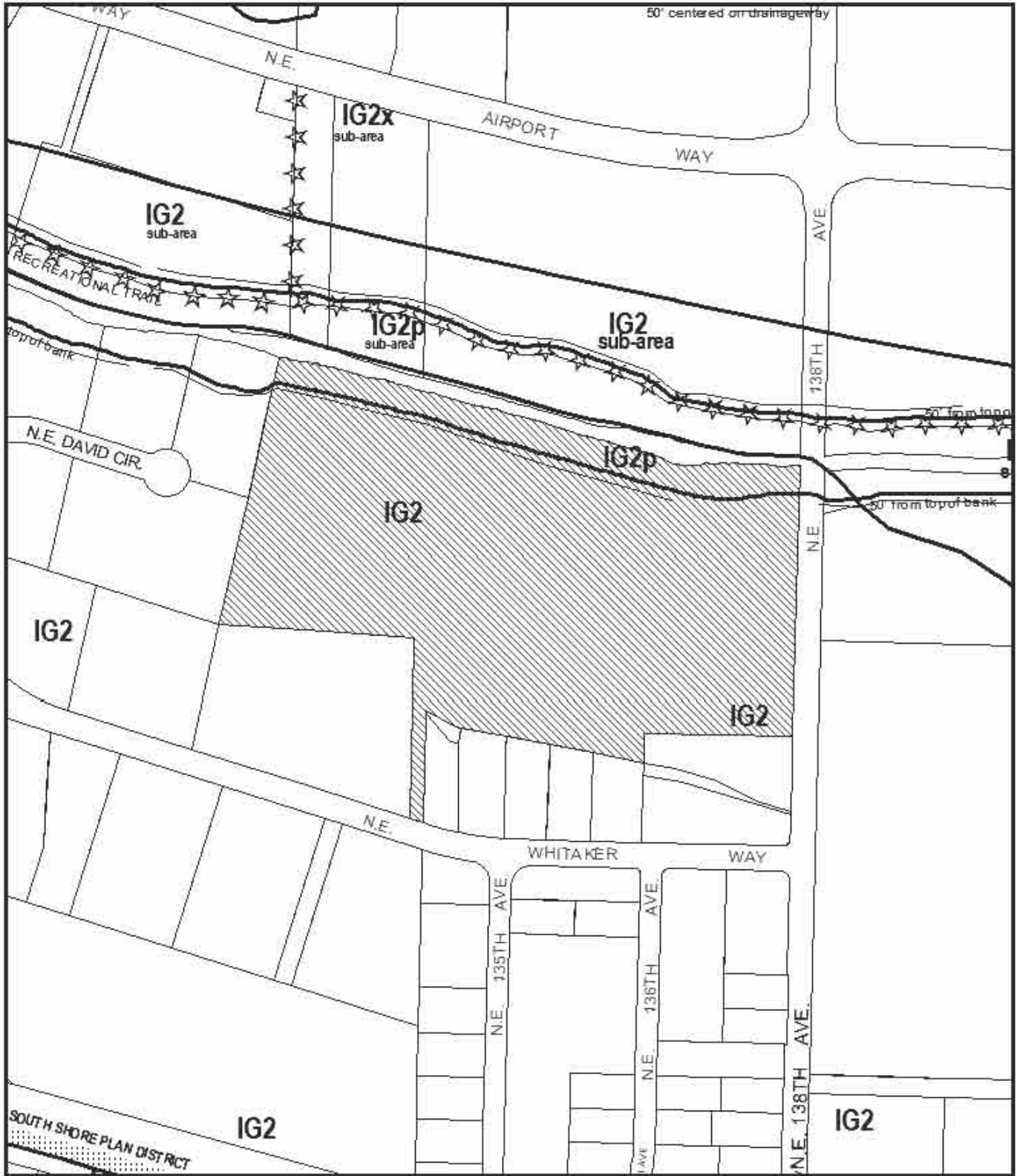
1. Bureau of Transportation Engineering and Development Review
2. Bureau of Environmental Services
3. Site Development Review Section of BDS
4. Multnomah Drainage District #1

F. Correspondence: NONE

G. Other:

1. Original LU Application
2. Site History Research
3. Incomplete Application Letter to Applicant

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



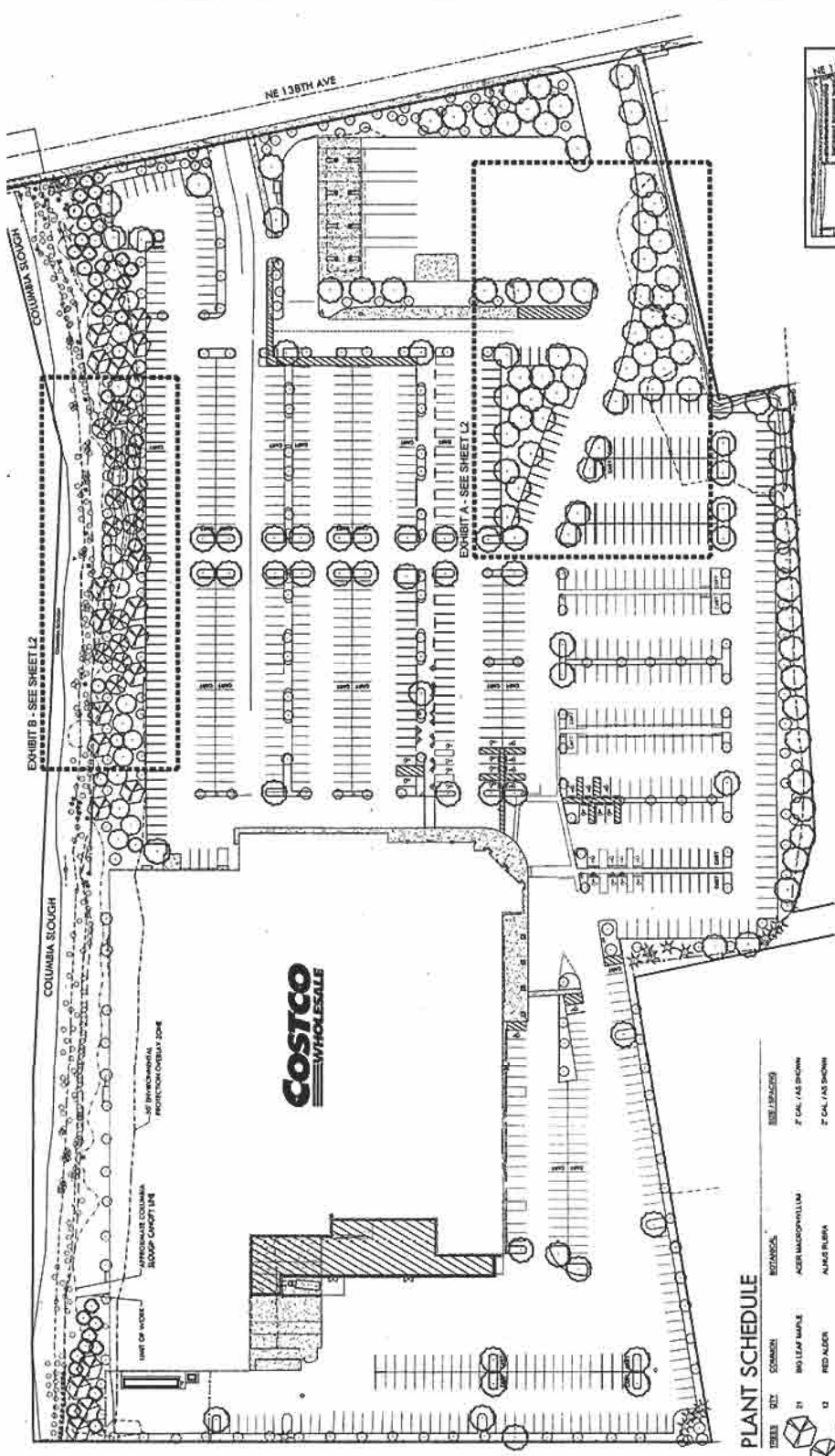
ZONING

 Site



This site lies within the:
COLUMBIA SOUTH SHORE PLAN DISTRICT

File No.	LU 08-120110 NU
1/4 Section	2544
Scale	1 inch = 300 feet
State_Id	1N2E23A 600
Exhibit	B (Apr 07,2008)



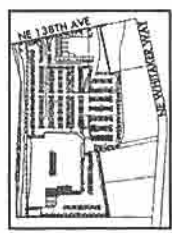
PORTLAND DEVELOPMENT CODE:

RE:
 20 TREES REQUIRED - 20 TREES PROPOSED
 100% TREE COVER REQUIRED - 100% PROPOSED

PARAMETERS:
 100' LARGE TREES NEEDED - OK - 100' LARGE TREES PROPOSED
 100' LARGE AND 100' MEDIUM TREES PROPOSED (TOTAL) - OK
 100' MEDIUM TREES NEEDED - OK - 100' MEDIUM TREES PROPOSED
 100' MEDIUM AND 100' SMALL TREES PROPOSED + 200' BARKERS
 100' SMALL TREES NEEDED - OK - 100' SMALL TREES PROPOSED
 100% UNDERCOVER REQUIRED - 100% PROPOSED

GENERAL NOTES: LANDSCAPE PLAN

- LANDSCAPE PLAN SHALL CONFORM TO THE STANDARDS ESTABLISHED UNDER THE BUREAU OF ENVIRONMENTAL SERVICES AND CITY OF PORTLAND PLANNING DEPARTMENT.
- ALL PLANT BEDS SHALL HAVE A 3" DEPTH OF BARK MULCH.
- LANDSCAPE AREAS SHALL HAVE A COMPLETE UNDERGROUND AUTOMATIC IRRIGATION SYSTEM WITH 1/2" BORE HOLES.
- ALL PLANT MATERIAL DELIVERED TO THIS SITE SHALL MEET THE AMERICAN NURSERY ASSOCIATION STANDARD.
- ALL PLANT MATERIAL SHALL BE DELIVERED TO THIS SITE WITH PROPER TAGS AND LABELS FROM THE GROWER/ADVERTISED FROM THE INSTALLATION. PLANT MATERIALS WITHOUT PROPER TAGS OR LABELS WILL NOT BE ACCEPTED FOR INSTALLATION. PLANT MATERIALS THAT DO NOT COMPLY WITH THE TAGGING AND LABELING REQUIREMENTS MAY BE REJECTED BY THE CITY OF PORTLAND. ALL PLANT MATERIALS SHALL BE DELIVERED TO THE SITE IN COMPLIANCE WITH THE DRAWINGS.
- PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.



PLANT SCHEDULE

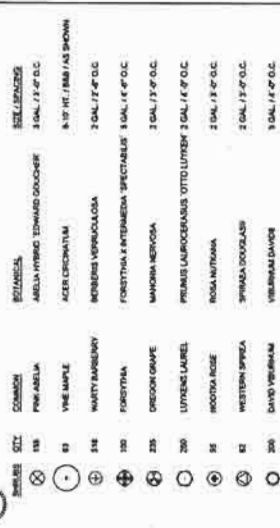
TREE	SIZE	COMMON	REMARKS	REPLACEMENT
1	2"	RED LEAF MAPLE	2" CAL / AS SHOWN	2" CAL / AS SHOWN
2	2"	RED ALDER	2" CAL / AS SHOWN	2" CAL / AS SHOWN
3	2"	OREGON ASH	2" CAL / AS SHOWN	2" CAL / AS SHOWN
4	2"	LONDON PLANE TREE	2" CAL / AS SHOWN	2" CAL / AS SHOWN
5	2"	DOGWOOD	2" CAL / AS SHOWN	2" CAL / AS SHOWN
6	2"	WESTERN RED CEDAR	2" CAL / AS SHOWN	2" CAL / AS SHOWN
7	2"	DOGWOOD	2" CAL / AS SHOWN	2" CAL / AS SHOWN
8	2"	CORNING EUROPEAN TREE TO REMAIN		
9	2"	CORNING EUROPEAN TREE TO REMAIN		
10	2"	CORNING EUROPEAN TREE TO REMAIN		
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98	2"	CORNING EUROPEAN TREE TO REMAIN		
99	2"	CORNING EUROPEAN TREE TO REMAIN		
100	2"	CORNING EUROPEAN TREE TO REMAIN		

Approved
 City of Portland - Bureau of Development Services
 Planner *Shirley Truvel* Date *Aug. 19 2008*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-120110 NK
 Exhibit C.2

PLANT SCHEDULE

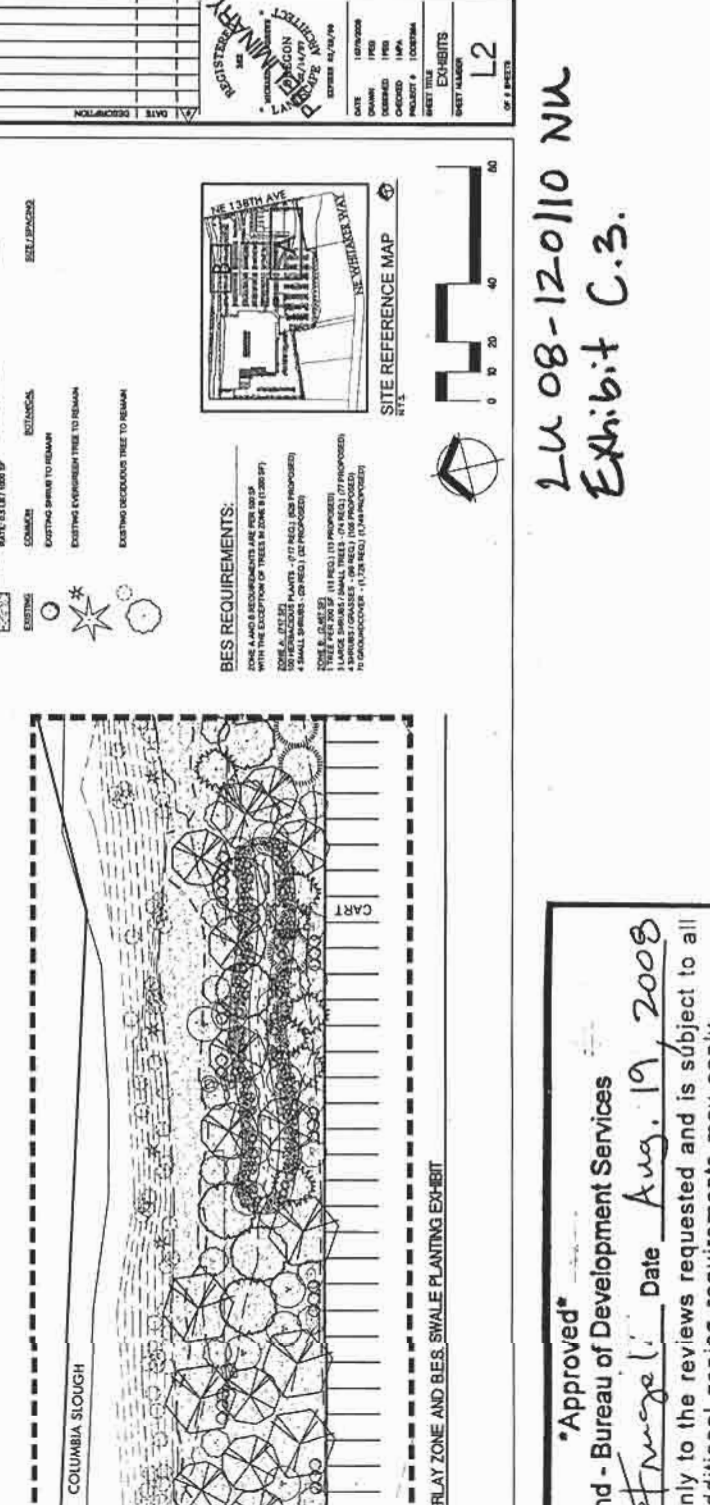
TREE	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE / SPACING
1	(Symbol)	NO LEAF MAPLE	AQUILARIA FORMOSA	2" CAL / AS SHOWN
2	(Symbol)	RED ALDER	ALNUS RUBRA	2" CAL / AS SHOWN
3	(Symbol)	OREGON LASH	FRAXINUS LATERFLORA	2" CAL / AS SHOWN
4	(Symbol)	LONDON PLANE TREE	PLATANUS ACERIFOLIA 'BLOODGOOD'	2" CAL / AS SHOWN
5	(Symbol)	DOUGLASS FIR	PSEUDOTSUGA MUCRONATA	7 1/2" HT / AS SHOWN
6	(Symbol)	WESTERN RED CEDAR	TAXUS PLICATA	7 1/2" HT / AS SHOWN
7	(Symbol)	COMMON	RETANASCAL	7 1/2" HT / AS SHOWN
8	(Symbol)	PRENANSA	ARTEMISIA TRIDENTATA	3 GAL / 12" O.C.
9	(Symbol)	VINE MAPLE	ACELEQUINATUM	8" HT / 18" / AS SHOWN
10	(Symbol)	WARTY BARBERY	IBIDEBIA VIBICOIDES	3 GAL / 12" O.C.
11	(Symbol)	FORESTRYA	FORESTRYA F. INTERMEDIA 'SPECTABILIS'	3 GAL / 12" O.C.
12	(Symbol)	OREGON GRAPE	MORUS NIPONICA	3 GAL / 12" O.C.
13	(Symbol)	LUTICE LABEL	FRAXINUS LABROSEALIS 'OTTO LUTICE'	3 GAL / 12" O.C.
14	(Symbol)	ROCKY ROSE	ROSA NIPONICA	2 GAL / 12" O.C.
15	(Symbol)	WESTERN SPREA	SPIRAEA DOUGLASSII	2 GAL / 12" O.C.
16	(Symbol)	DAVID VIBURNUM	VIBURNUM DAVIDI	3 GAL / 12" O.C.
17	(Symbol)	COMMON	RETANASCAL	3 GAL / 12" O.C.
18	(Symbol)	BARBERY	ARCTOSTAPHYLOS UVA-URSI	1 GAL / 8" O.C.
19	(Symbol)	WOODLAND STRAWBERRY	FRAGARIA VESCA	1 GAL / 8" O.C.
20	(Symbol)	COMMON RUSH	JUNCUS EFFUSUS 'PAUCIFLORUS'	1 GAL / 8" O.C.
21	(Symbol)	COMMON	RETANASCAL	3 GAL / 12" O.C.
22	(Symbol)	3/8" FB OF 'MADAGASCAR MC'	SUNMARK SEEDS	SEE
23	(Symbol)	EXISTING	RETANASCAL	SEE
24	(Symbol)	EXISTING SHRUB TO REMAIN	RETANASCAL	SEE
25	(Symbol)	EXISTING EVERGREEN TREE TO REMAIN	RETANASCAL	SEE
26	(Symbol)	EXISTING DECIDUOUS TREE TO REMAIN	RETANASCAL	SEE



BES REQUIREMENTS:
 ZONE A AND B REQUIREMENTS ARE FOR 100 SF WITH THE EXCEPTION OF TREES IN ZONE B (1200 SF)
 ZONE A: 1" CAL / 12" O.C. (1200 SF)
 ZONE B: 1" CAL / 12" O.C. (1200 SF)
 TREE 8: 1" CAL / 12" O.C. (1200 SF)
 TREE 9: 1" CAL / 12" O.C. (1200 SF)
 TREE 10: 1" CAL / 12" O.C. (1200 SF)
 TREE 11: 1" CAL / 12" O.C. (1200 SF)
 TREE 12: 1" CAL / 12" O.C. (1200 SF)



A NE 138TH AVE ENTRY DRIVE LANDSCAPE PLANTING EXHIBIT
 SCALE: 1"=20'-0"



B ENVIRONMENTAL PROTECTION OVERLAY ZONE AND BES SWALE PLANTING EXHIBIT
 SCALE: 1"=20'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner: Shelley Mangel Date: Aug. 19, 2008
 Approval applies only to the reviews requested and is subject to all other approvals. Additional zoning requirements may apply.

LU 08-12-0110 NW
 Exhibit C.3.