



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
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Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** December 22, 2008  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
503-823-7834

**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 08-160688 EN**

**GENERAL INFORMATION**

**Applicant:** Group Mackenzie  
Attn: Kelly Niemeyer 503-224-9560  
1515 SE Water Ave #100  
Portland, OR 97214

A&K Designs, Inc. 503-238-6514  
Jackie Park  
624 SE Division Pl  
Portland OR 97202

**Site Address:** 8333 SE HARNEY ST

**Legal Description:** W 3 ACRES OF LOT 33, D & O LITTLE HMS SUB 2  
**Tax Account No.:** R202615170  
**State ID No.:** 1S2E21CC 02000  
**Quarter Section:** 3839

**Neighborhood:** Lents, contact Judy Welch at 503-771-4667.  
**Business District:** Eighty-Second Avenue, contact Nancy Chapin at 503-774-2832.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin  
**Other Designations:** Johnson Creek Basin Protection Plan, Site 10; 100-year floodplain;

**Zoning:** EG2c/p General Employment 2 (EG2) with the Environmental conservation (c) and protection (p) overlay zones;

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

**Proposal:** The applicant requests approval to reduce the environmental zoning on the site from approximately 1.3 acres (56,628 sq. ft.) to approximately 0.43 acre (18,731 sq. ft.), a reduction of 37,897 sq. ft., almost 0.9 acre, or a 66 percent reduction in the environmentally zoned area on the site. The applicant's proposal did not designate separate transition, protection or conservation areas within the modified environmental zone, although the site currently contains both environmental conservation and protection zoning.

The applicant also proposes a resource enhancement project to restore the revised protection area to a native species riparian zone. The proposal includes removing and controlling regrowth of non-native vegetation within the modified environmental zone and replanting the area with a high density of native trees, shrubs, forbs and grasses as recommended in the resource inventory for the site. This proposal must meet the Standards for Resource Enhancement Projects listed in subsection 33.430.170, or go through environmental review.

To modify environmental zone boundaries, applications must meet certain criteria as identified below. The applicant considers the proposed modification to be a minor modification that is based on a more detailed, site specific environmental study.

**Relevant Approval Criteria:**

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

**33.430.250.D Modification of zone boundaries**

**ANALYSIS**

**Site and Vicinity:** This rectangular 2.75-acre site is located on the east corner of the intersection of SE Harney Street and SE 83<sup>rd</sup> Avenue. The site slopes gently to the north where a short section of Johnson Creek flows southwesterly across the northwest corner of the property. The associated riparian area is overgrown with non-native invasive species, such as Himalayan blackberry, and contains only a few native trees.

The site has been used for auto wrecking and repair and is highly developed with large buildings and both paved and graveled surfaces. Dozens of motor vehicles have been stored on-site over the years. A 5,598 square-foot area in the southeast corner of the site has been proposed for a City-owned "regionally serving pump station" to be developed in the future.

The surrounding area to the west is developed with a manufactured home park and a car sales dealership. A vacant portion of SE Crystal Springs Boulevard is adjacent to the north of the site. East and northeast of the site is a large, 6.6-acre forested wetland area owned by the City of Portland.

**Zoning:** The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. These areas are frequently less developed, with sites having medium and low building coverage and buildings that are usually set back from streets. The provisions of this zone are not applicable to the proposed environmental zone modification. Therefore, the provisions of this zone are not specifically addressed through this Environmental Review.

Environmental overlay zones 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 preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant. The purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

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

The project site is mapped within the *Johnson Creek Basin Protection Plan, Summaries of Resource Site Inventories* as Site # 10. Resources and functional values of concern on the project site include water, interspersions and fisheries. Interspersion refers to connectivity with other natural areas.

**Land Use History:** City records indicate that there are no prior land use reviews associated with the site that would have implications for this case.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 21, 2008**. The following Bureaus have responded with no issues or concerns:

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

The Bureau of Environmental Services responded that the Bureau could not support the proposal in its current configuration, as it would not provide adequate riparian area for water quality or biological protection. Please see Exhibit E.1 for additional details.

The Bureau of Transportation Engineering responded with a reference regarding requirements for future development of the site, but had no comments concerning the proposed environmental zone modification. Please see Exhibit E.2 for additional details.

The Site Development Section of BDS responded with a reference regarding requirements for future development of the site, but had no comments concerning the proposed environmental zone modification. Please see Exhibit E.3 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 21, 2008. The Lents Neighborhood Association responded in opposition to the proposal. Please see Exhibit F for additional details.

## PROJECT ANALYSIS

Site History and Resources: The *Johnson Creek Basin Protection Plan, Summaries of Resource Site Inventories* described the site as severely degraded by former and current development practices, primarily auto wrecking and auto repair facilities. Although the site was in very poor condition at the time of adoption of the resource inventory, the *Plan* identified Johnson Creek and its 100-year floodway, which at the time was over 200 feet wide, as representing “potential habitat area as redevelopment occurs” (see Exhibits C.1 – C.2). In addition, the *Plan* found that the site functions as a wildlife travel corridor along Johnson Creek as well as creating a link to upland areas. The *Plan* recommended garbage removal from the site, as well as terracing the creek banks, revegetating the site and creating a buffer between the resource area (the 100-year floodplain) and adjacent land.

In 2004, the Federal Emergency Management Agency (FEMA) restudied Johnson Creek and produced new floodplain maps that greatly reduced both the 100-year floodway and floodplain areas across the site (see Exhibits C.3 – C.4). The applicant surveyed the site’s topography and delineated the extent of the 100-year floodplain across the site based on FEMA’s revised flood elevation for the site.

Project Proposal: The applicants' proposed environmental zone boundary would include most of the current 100-year floodplain as delineated on the site, but not all, and would include additional areas outside the floodplain in the northeast corner and on the west side of the site. The proposed environmental zone boundary would be located between 32 and 38 feet landward from top of bank and would be 60 feet wide as measured from Johnson Creek's ordinary high water level.

The applicant provided a natural resource assessment prepared by Pacific Habitat Services, Inc (PHS) to justify the proposed reduction in environmental protection of the Johnson Creek floodplain and riparian areas. The assessment used "functional riparian width" modeling based on the Oregon Department of Environmental Quality's (DEQ) requirement to address stream temperature. As noted in the PHS assessment, stream temperature has been determined to be a limiting factor for fish and aquatic life, specifically threatened and endangered salmonids that use many of Oregon's small tributaries, such as Johnson Creek, for spawning, rearing and migration. Based on its study, PHS found that a functional riparian zone should be at least 60 feet wide using Douglas fir trees as the dominant tree species (See Exhibit A.2, PHS Study, pg. 3). The applicants' environmental zone boundary modification proposal is based on this width.

The remainder of the PHS study included a "Riparian Area Restoration" plan to create an effective riparian zone in conformance with the resource inventory recommendation. The planting plan includes planting the entire 60-foot width of proposed riparian area with 150 trees, 730 shrubs, 440 forbs and 39 pounds of native grass seed to be planted on the applicants' property on both sides of the creek. The plan does not include excavation, fill or construction activity within a wetland or water body. There will be no fill of any kind or removal of native vegetation. No structures will be removed or constructed within the proposed planting area.

Project Analysis: The applicants did not specify Protection and Conservation zone areas within their redefined environmental zone proposal. However, the first 25 feet inward from the environmental boundary line towards the resource area of any environmental zone must be designated as Transition Area (33.430.050). As a result, the applicants' proposed environmental zone would have a resource area that would include the creek, the creek bank up to the top of bank, plus 8 to 15 feet of upland area landward of the top of bank. A 25-foot wide transition zone would have to be applied either within the proposed 60-foot wide riparian area or outside of it. If the transition area were placed inside the 60-foot wide riparian zone, the applicant's proposal would effectively eliminate 25 feet of riparian area as proposed in the PHS study, leaving a protected riparian zone width of only 35 feet.

The applicant's proposal would also cut off the protection zone at the property line on the adjacent property to the east. This would force a 25-foot wide transition area onto the adjacent property. This property is owned by the City of Portland and managed by the Bureau of Environmental Services (BES). The City purchased this site in order to maintain a large forested wetland and upland area that is fairly unique along Johnson Creek. The applicants' proposal would reduce the resource area on the adjacent property by approximately 4,250 square feet.

The PHS assessment focused only on reducing stream temperatures to improve fish habitat and did not evaluate the site's interspersion qualities or potential, or the site's connectivity to a protected forested wetland resource on property east of the site. The PHS assessment did not evaluate the needs of upland wildlife species or the impacts to upland wildlife that could result by reducing the size of the protected resource area in order to allow future industrial development to occur on the site. Further, the PHS assessment used the tallest native tree species available, Douglas fir, in its calculations, which produced the narrowest effective riparian area possible for shading Johnson Creek. Using a tree species with a shorter mature height in the calculations could result in a finding for a wider riparian area.

The Bureau of Planning's *Natural Resource Inventory, Willamette River Report* contains tables that list many different attributes of functional riparian area widths for a broad range of stream sizes that not only look at temperature and shade, but include such characteristics as bank stabilization, sediment control, pollutant removal, structural complexity, upland wildlife diversity and species movement as well as fish needs. Based on this table, effective riparian zones will range in size from about 98 feet to well over 400 feet, depending on the size of the stream, the type of organism that will use the site, and the type of functions the site should offer.

The *Johnson Creek Watershed Summaries of Resource Site Inventories* specifically refers to the site's 100-year floodway as an area representing "potential habitat area as redevelopment occurs." The *Inventory* included the entire 100-year floodway and a portion of the extended floodplain, as it was mapped at the time, in order for the area to be rehabilitated for upland wildlife habitat during future development proposals. The 100-year floodplain was remapped by FEMA in 2004 and, as a result, was greatly reduced.

The applicant's proposal captured most, but not all of the revised 100-year floodplain. Staff proposes an alternative to the applicant's proposal by redrawing the environmental zone to provide both environmental protection and conservation zoning on the site. The protection zone boundary would capture the entire 100-year floodplain on the site, and another 25 to 30-foot wide conservation area would provide a buffer between future development and the protection zone located on both the site and adjacent properties to the east and west. The 30-foot wide conservation area would include a 5-foot wide setback from the Protection resource area adjacent to Johnson Creek that would be in compliance with standard 33.430.140.B (i.e., that all disturbance areas are set back "at least 5 feet from the resource area of any environmental protection zone.") The 25-foot wide conservation area would be adjacent to either off-site resource areas or to designated streets. This proposal would be consistent with natural features, such as topography, as well as consistent with the *Inventory's* goal to preserve the entire 100-year floodplain as environmental protection area.

As discussed on page 4, the applicant's proposed resource enhancement meets the standards for resource enhancement projects. The applicants propose to initiate the resource enhancement project in conjunction with future development of that portion of the site located outside the modified environmental zone.

The City's proposal, combined with the applicants' proposal to remove non-native plant species and revegetate the modified environmental protection area on the site with a mix of native trees, shrubs, forbs and grasses, will:

- provide protection to Johnson Creek from future development,
- decrease water temperature in Johnson Creek and thereby increase fisheries habitat,
- improve upland wildlife habitat, and
- maintain protected areas on-site that connect with protected areas on adjacent properties to allow for wildlife movement along Johnson Creek.

Negotiation with the applicant has resulted in a revised zone modification that incorporates almost all of the PHS 60-foot wide riparian zone as environmental protection resource area plus a 25-foot wide transition area in the conservation zone that will protect resource areas on adjacent properties.

## **ZONING CODE APPROVAL CRITERIA**

**Title 33.430.250.D Modification of Zone Boundaries. Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site-specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D. 3 below is met.**

**Findings:** The applicants request modification of the Environmental Protection and Conservation overlay zones due to the location of identified “significant natural resources” on the subject property. Therefore, the applicant must meet the requirements of Paragraph D.3.

**33.430.250.D.3: The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.**

- Because a 25-foot wide transition area is required, and the applicants proposed a 60-foot wide environmental zone, only a 35-foot wide resource area would be created, which would not provide the effective buffer needed to reduce stream temperatures per the DEQ established “shading targets” as described in the PHS assessment. Therefore, the applicants’ proposed environmental zone modification does not accurately reflect the location of the significant resources and functional values on the site, plus 25 feet of transition area.
- Because the applicants’ proposed removal of all environmental zoning from the east side of the property would effectively remove 4,250 square feet of protection resource area from the abutting property to the east, the proposed environmental zone line relocation along the east side of the property does not accurately reflect the location of significant resources and functional values on areas to be preserved, plus 25 feet of transition area.
- Because the applicant’s environmental zone boundary proposal does not meet the requirement to accurately reflect the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area, the applicant’s proposal as submitted cannot be approved.
- Because the negotiated proposal will include Johnson Creek and the extent of the Creek’s 100-year floodplain as resource protection area per the recommendation of the *Johnson Creek Basin Protection Plan, Summaries of Resource Site Inventories*; and
- Because the negotiated proposal will provide a 25-foot wide area of protection zone inside the east property boundary adjacent to the protection zone on the neighboring property to the east; and
- Because the negotiated proposal will also provide a 30-foot wide Conservation area outside the proposed protection zone area plus a 25-foot wide conservation area adjacent to existing streets and other off-site areas with conservation zoning; therefore,
- The negotiated proposal will reflect the location of the significant or highly significant resources and functional values (water, interspersed and fisheries) on the site, plus 25 feet of transition area, and does, therefore, meet the requirements of Paragraph D.3.

## **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.

**General Information about Development Standards and Approval Criteria.** The Zoning Code contains two types of regulations: Development standards and Approval criteria.

**Approval criteria**, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

**Development Standards:** Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and is not considered to be discretionary reviews. Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

#### Chapter 33.537 Johnson Creek Basin Plan District:

- Because the site lies within the Johnson Creek Basin Plan District, the applicable standards that apply to this site include 33.537.100 – 120. However, these Standards deal with development in the floodway of Johnson Creek and release of water from Powell Butte reservoirs (537.100.A and B), the transfer of development rights (537.110) and Bonus Density (537.120), none of which apply at this site or to this application.
- 537.100.C requires that areas of vegetation removal activities be protected in a manner to prevent erosion and sediment from leaving the altered site. Because development is not proposed with this application, this standard does not apply.

## **CONCLUSIONS**

The applicant proposed to modify and reduce both the environmental conservation and protection overlay zones on this property, but did not specify areas for the two overlays, or for a transition area. The proposed 60-wide “riparian” area was based on a study of stream temperatures that produce beneficial results for fish, but did not take into account other resources both on the site and adjacent to it. The applicant and City staff negotiated the proposed boundaries to be consistent with environmental zone requirements as well as taking into account the impacts of a zone modification on adjacent properties. The negotiated proposal now provides a protection zone based on the 100-year floodplain and the riparian area recommended by Pacific Habitat Services, as well as the required 25-foot wide transition area outside the resource areas.

The applicant also proposed to remove invasive plant species and plant the modified environmental resource area with native species included in the Pacific Habitat Services’ Natural Resources Assessment for the site

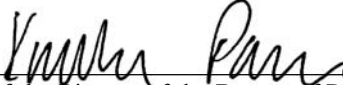
## **ADMINISTRATIVE DECISION**

**Approval** of an Environmental Review for:

- Modification of environmental conservation and protection overlay zones, to include a 25-foot wide transition area, include the extent of the 100-year floodway, and that will protect existing resource areas on adjacent property in conformance with Exhibit B.2;
  - Implementation of the modified Riparian Area Restoration Plan originally provided by Pacific Habitat Services and included as Exhibit C, in conjunction with future building permit approvals; and
  - Approval of the use of specified herbicides (Garlon 3A), per the approved site plan, Exhibit C, approved and signed by City staff on December 18, 2008, subject to the following conditions:
- A.** A Zoning Permit shall be required for the installation of the resource enhancement plants at the time of submittal of applications for future re-development of the site. Copies of the

stamped Exhibit C from LU 08-160688 EN and Conditions of Approval listed below shall be included in the zoning permit application.

- B.** Vegetation removal and native species planting shall be done in conformance with Exhibit C.
- C.** Herbicide may only be applied on calm days with little to no wind and shall be limited to spot spraying individual plants such that spray will not drift onto other individual plants or into Johnson Creek.

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

**Decision mailed: December 22, 2008**

**Staff Planner: Kathy Harnden**

**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 September 5, 2008, and was determined to be complete on October 17, 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 September 5, 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 requested that the 120-day review period be extended on two occasions: the first request extended the deadline to December 2, 2008; the second request extended the deadline to December 19, 2008.

**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, who will hold a public hearing. Appeals must be filed **by 4:30 PM on January 5, 2009** 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](http://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 **January 6, 2009 – (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.

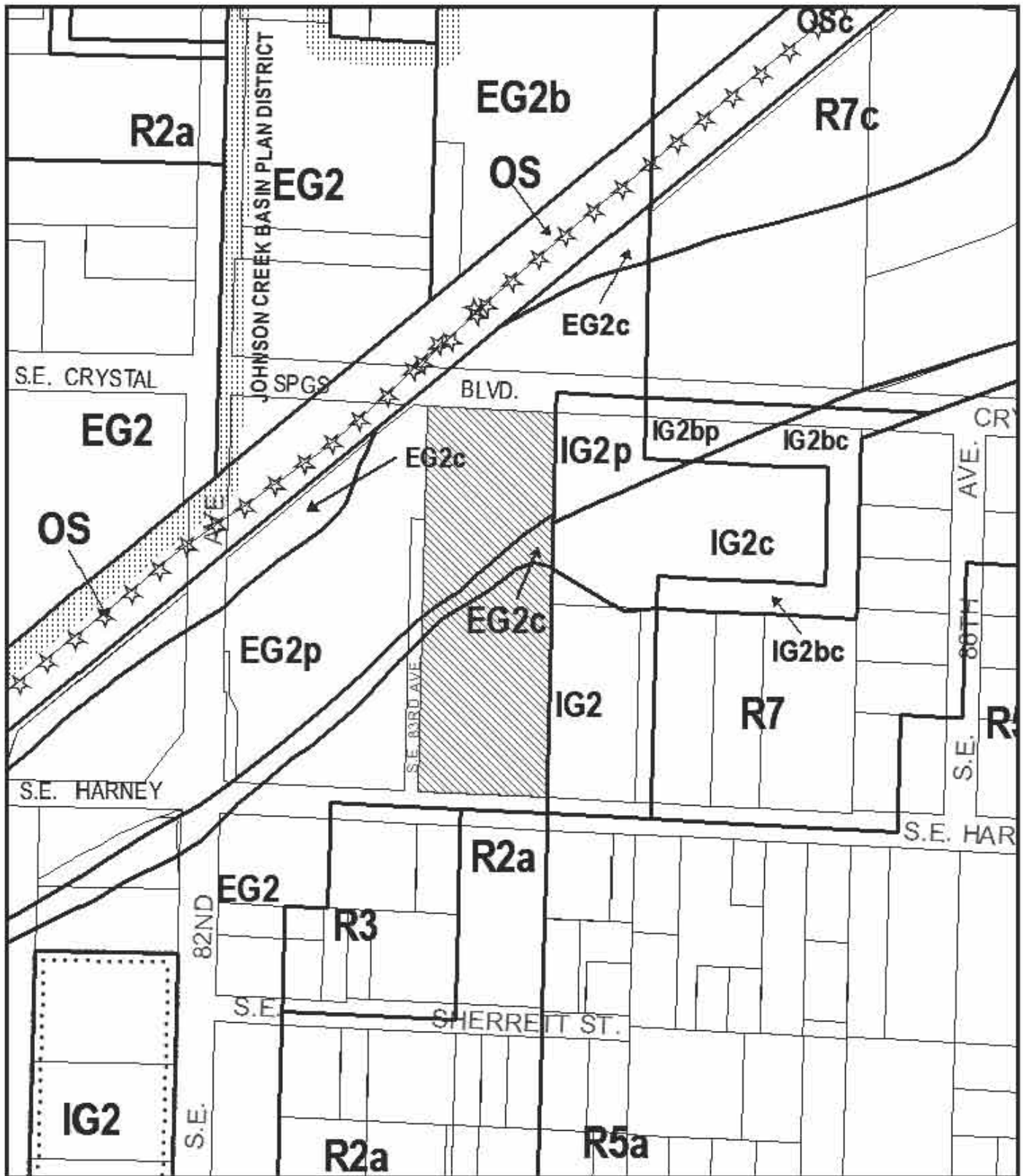
#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Applicant's submittal received September 5, 2008
  2. Applicant's Natural Resource Assessment dated September 2, 2008
  3. Applicant's submittal received October 8, 2008
  4. Applicant's request for extension dated November 13, 2008
  5. Applicant's request for extension dated December 12, 2008, 2008
- B. Zoning Map (original) (attached)
  1. Proposed (attached)
  2. Approved (attached)
- C. Resource Enhancement Site Plan, (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. a. Bureau of Environmental Services
  - b. Bureau of Environmental Services Addendum
  2. Site Development Review Section of BDS
  3. General Life Safety
- F. Correspondence:
  1. Lents Neighborhood Association, November 11, 2008, letter in opposition to applicant's proposal
- G. Other:
  1. Original LU Application
  2. Site History Research
  3. Incomplete Letter to Applicant from Staff, dated September 19, 2008

**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).**



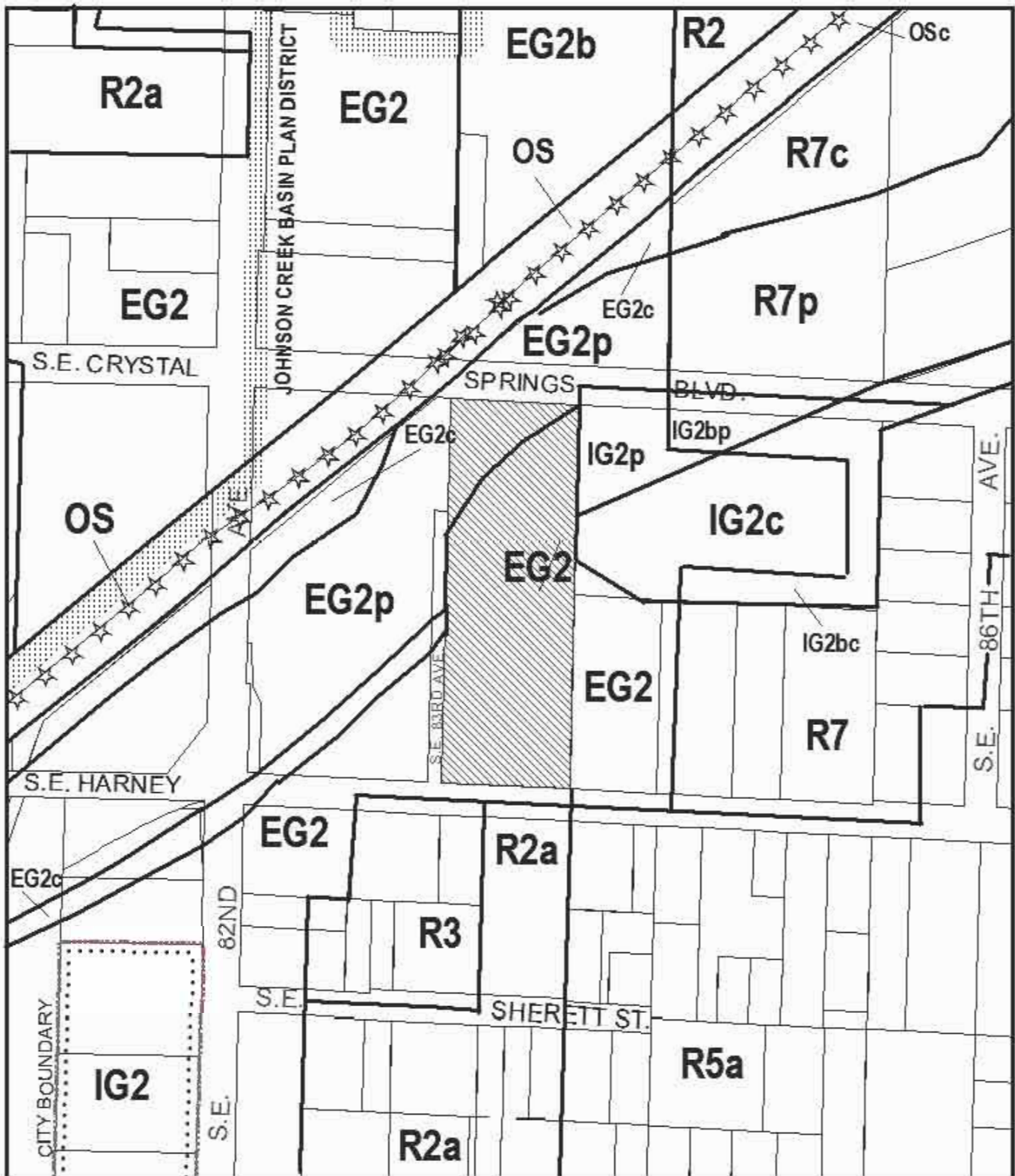
# ZONING

 Site



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 08-160688 EN
1/4 Section	3839
Scale	1 inch = 200 feet
State_Id	1S2E21CC 2000
Exhibit	B (Sept 29, 2008)



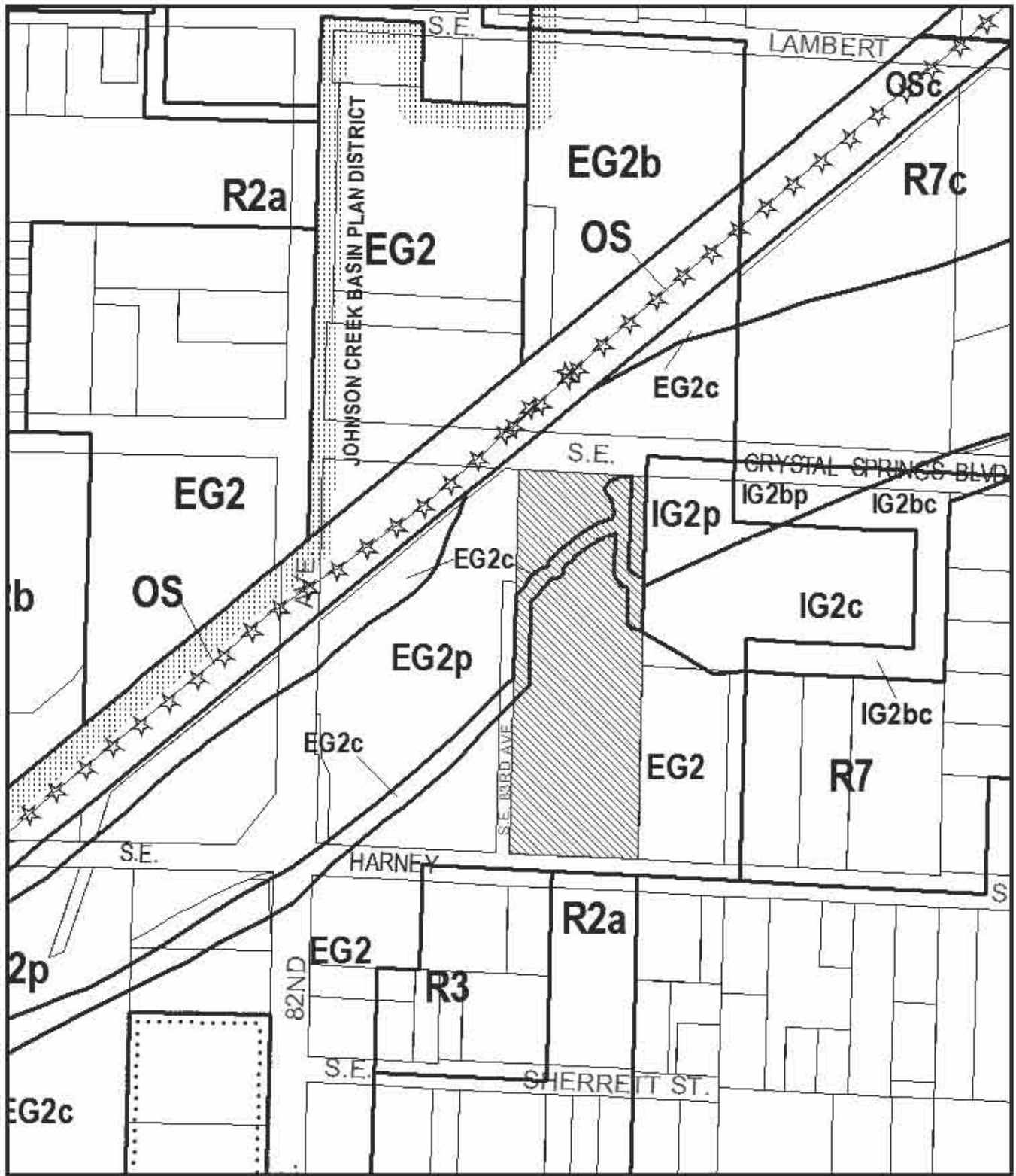
# ZONING PROPOSED

 Site



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 08-160688 EN
1/4 Section	3839
Scale	1 inch = 200 feet
State_Id	1S2E21CC 2000
Exhibit	B1 (Oct 17, 2008)



# ZONING APPROVED



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

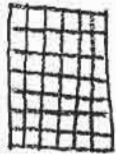


File No.	LU 08-160688 EN
1/4 Section	3839
Scale	1 inch = 200 feet
State_Id	1S2E21CC 2000
Exhibit	B.2 (Dec 18, 2008)



Pacific Habitat Services Resource Enhancement Plan as Modified by City Staff

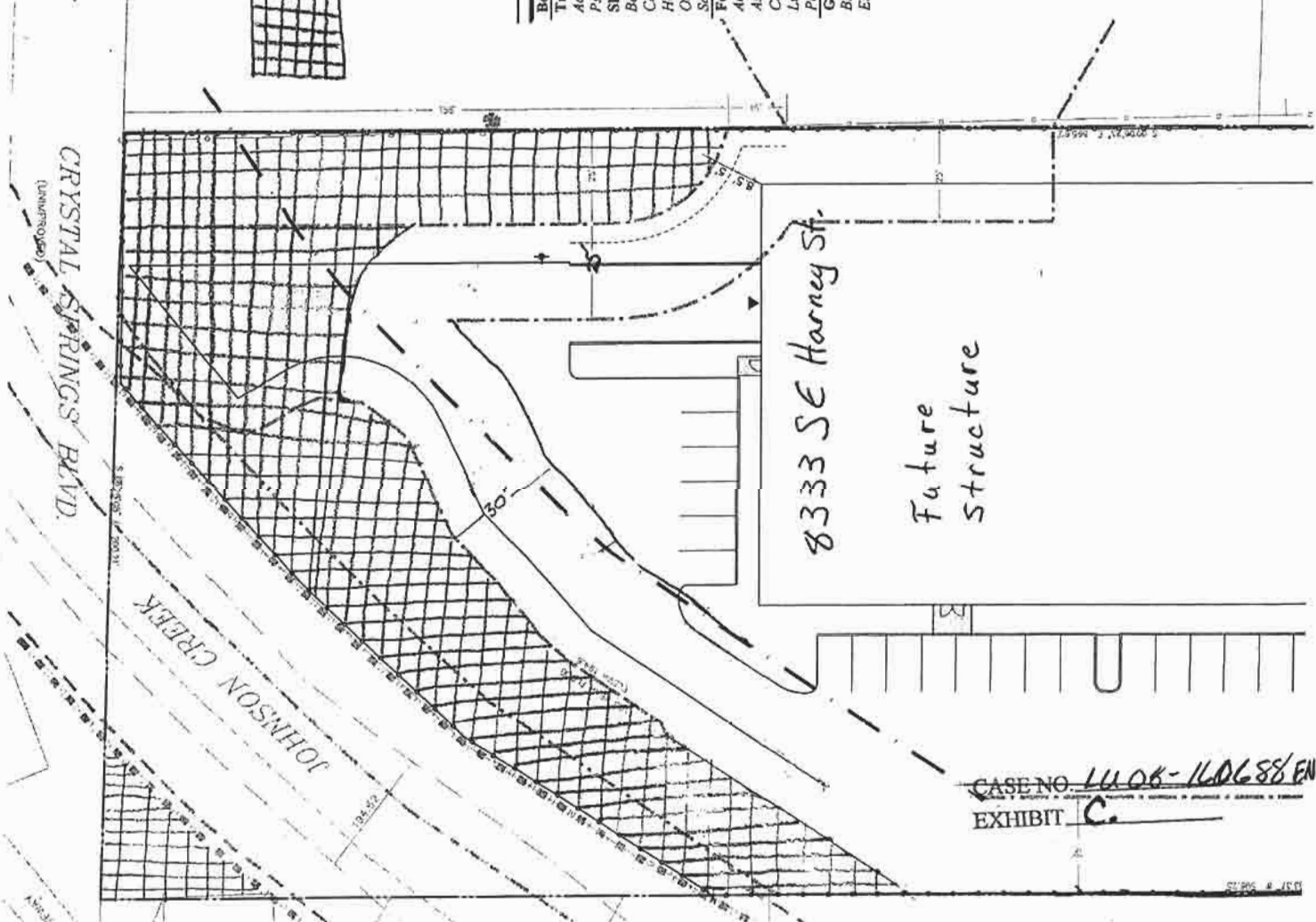
Resource Planting Area per PHS Riparian Enhancement Plan & Staff Revisions



Botanical Name	Common Name	Height	O.C. Spacing	Quantity
<b>Trees</b>				
<i>Acer macrophyllum</i>	big leaf maple	24"	10'	50
<i>Pseudotsuga douglasii</i>	Douglas fir	24"	10'	100
<b>Shrubs</b>				
<i>Berberis aquifolium</i>	Oregon grape	6"	5'	220
<i>Corylus cornuta</i>	beaked hazel nut	12-24"	5'	130
<i>Holodiscus discolor</i>	oceanspray	18"	5'	125
<i>Oenothera crassifolia</i>	oso-berry	24"	5'	125
<i>Sambucus racemosa</i>	red elderberry	18"	5'	130
<b>Forbs</b>				
<i>Anaphalis margaritacea</i>	pearly everlasting	n/a	16'	75
<i>Aster subspicatus</i>	Douglas' aster	n/a	16'	75
<i>Camassia quamash</i>	common camas	n/a	11'	150
<i>Lupinus rivularis</i>	stream lupine	n/a	16'	75
<i>Polystichum munitum</i>	Western sword fern	n/a	random as stated	65
<b>Grasses</b>				
<i>Bromus carinatus</i>	native California bromo	n/a	40 lbs per acre	19.5 lbs
<i>Elymus glaucus</i>	blue wildrye	n/a	40 lbs per acre	19.5 lbs

- NOTE:
- 1) REMOVE INVASIVES FROM ENVIRONMENTAL ZONE AND CONTROL RE-GROWTH
  - 2) REMOVE ALL IMPERVIOUS SURFACES FROM ENVIRONMENTAL ZONE AND DISPOSE OF OFFSITE
  - 3) ROTOTILL AND AMEND SOIL AS NEEDED AFTER IMPERVIOUS SURFACES ARE REMOVED
  - 4) INSTALL ALL PLANTINGS IN A RANDOM MANNER
  - 5) INSTALL AND USE A TEMPORARY IRRIGATION SYSTEM UNTIL ALL NEW PLANTS ARE ESTABLISHED

LU08-160688 EN  
Exhibit C.



CASE NO. LU08-160688 EN  
EXHIBIT C.