



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

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**Date:** April 13, 2015  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
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## **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 15-105004 EN**

#### **GENERAL INFORMATION**

**Applicant:** David Stolle / Sapa Profiles, Inc.  
7933 NE 21st Ave / Portland Oregon 97211

**Representative:** Seth Otto / Maul Foster & Alongi, Inc.  
2001 NW 19th Avenue Suite 200 / Portland OR 97209

**Site Address:** 7933 NE 21ST AVE

**Legal Description:** TL 500 5.16 ACRES LAND & IMPS SEE R646260 (R941111083) FOR MACH & EQUIP, SECTION 11 1N 1E; TL 500 OTHER IMPS-MACHINERY, SECTION 11 1N 1E; TL 500 MACH & EQUIP SEE R315096 (R941111080) FOR LAND & IMPS, SECTION 11 1N 1E R941111080, R941111081, R941111083

**Tax Account No.:** 1N1E11D 00500, 1N1E11D 00500A1, 1N1E11D 00500A2

**State ID No.:** 2232

**Quarter Section:** Sunderland, contact CNEN at 503-823-3157.

**Neighborhood:** Columbia Corridor Association, contact Peter Livingston at 503-796-2892.

**Business District:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

**District Coalition:** Portland International Airport - Middle Columbia Slough Subdistrict

**Plan District:** IG2ch – General Industrial 2 with the Environmental Conservation (c) and Aircraft Landing Zone (h) overlays

**Zoning:** Environmental Review

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

**Procedure:**

#### **Proposal:**

The proposal is to clean up a contaminated area on this industrial site by excavating two settling ponds that were used to treat contaminated water from industrial processes that occurred on the site in the 1960s through 1980s. This industrial site is used for secondary processing of aluminum, which includes extruding and anodizing aluminum products. Toxic

by-products from this process were captured and treated in the on-site settling ponds between 1967 and 1979. Since 1979, the site has been connected to the Portland city sewer and waste water has not been treated on-site since then.

An earlier clean-up plan, under the jurisdiction of the US Environmental Protection Agency (EPA), required the two settling ponds to be “over-excavated,” and impacted soil and sludge from them were disposed of off-site. Although the ponds were decommissioned, recent investigations show that contaminated sludge and caustic residue remain at the bottom of the primary westernmost pond. This material must also be removed and disposed of at a facility qualified to store and/or decontaminate it. The contaminated soil area, encompassing approximately 6,400 square feet, will be excavated to a depth of 20 feet below ground surface (bgs) at the south end and 15 feet bgs on the north end. The top 5 feet of soil are above the ground water level and appear to be uncontaminated. They will be tested and, if clean, will be stored on-site to be re-used as fill in the excavation area after all contaminated soils have been removed. Approximately 3,560 cubic yards of excavated “clean” soil will be stockpiled on site on a paved area of the Environmental Transition Area. Approximately 8,900 cubic yards of contaminated soils are to be taken to a site licensed to handle contaminated soils.

Because of a high ground water table at this site, shoring and dewatering will be required. After the contaminated soil is excavated, and prior to backfilling the excavated area, a compound to enhance the stabilization of metals in-situ will be spread across the bottom of the excavated area and in a narrow vertical wall to precipitate any remaining dissolved metals in the vicinity of the excavation. The site will then be backfilled with clean imported fill as well as with the stockpile of clean overburden that was removed. A soil vapor vent system will be installed to vent any gases emanating from the excavation site. Existing asphalt over the excavation area will be demolished and recycled.

The process includes temporarily relocating, and possibly replacing an underground power line; relocating the existing chemical delivery area and a storage and welding station; and relocating employee parking from the area where the excavated over-burden must be stockpiled.

Most of the clean-up area is outside the Environmental Resource Area. The area subject to this review is a narrow, linear area approximately 10 feet wide by 115 feet long, or about 1,150 square feet, located in the Resource Area of the Environmental Conservation zone. No trees are located within this area. The proposed work area within the resource area is primarily either paved or hard-packed earth on the Slough side of the parking area. Because no trees will be removed, the applicant proposes to replant the environmental resource disturbance area with a native groundcover seed mix.

**Relevant Approval Criteria:**

To be approved, this proposal must comply with the approval criteria of Title 33.430.250.E, Other development in the Environmental Conservation zone or within the Transition Area only.

The site lies within the Portland International Airport Plan District, but is subject to the Approval Criteria of 33.430.250.E because the proposal does not implement a Wildlife Hazard Management Plan.

The relevant criteria, therefore, are:

- **Section 33.430.250.E – Other development in the Environmental Conservation zone**

**FACTS**

**Site Description:** The site is located in an industrial zone adjacent to the west end of the middle branch of the Columbia Slough, which forms the north boundary of the site. This slough section is called the Middle Columbia Slough.

Almost the entire site is developed for industrial activities, which includes a 150,000-square-foot building used for aluminum extrusion, anodizing and shipping. Most of the remainder of the site is paved and is used for product shipping and employee parking. The north end of the paved area is striped for passenger vehicle parking stalls and the northeast corner contains a stormwater treatment facility approved in 2012. The excavation site extends northward 10 to 20 feet beyond the paved area along the Columbia Slough's top of bank. This area is in poor condition as the soils are compacted with little to no native vegetation.

NE 21<sup>st</sup> borders the site to the east; NE Argyle borders the site to the south; and another large industrial business is located on the west side of the site.

The Environmental Conservation Zone on the Columbia Slough runs east to west along the north end of the site and the upland area varies in width from approximately 33 feet to about 75 feet at the site's northwest corner. The 25-foot wide transition area between the southern edge of the Conservation Zone and the Slough leaves a riparian resource area that varies in width between 15 to 50 feet, and which also includes some paved parking area.

The developed area is bordered by a fence that runs along the north side of the site near the top-of-bank, parallel to and approximately 5 feet north of the paved parking area. The project site, in the northwest corner of the paved area, is currently used for storing various equipment, materials, and storage containers.

**Infrastructure:** The site is a corner lot bordered by NE 21<sup>st</sup> Avenue to the east and NE Argyle to the south. Access is from NE 21<sup>st</sup> Avenue. Both streets are developed with 60-foot wide rights-of-way with curbs and sidewalks bordering developed properties. There is a 42-inch concrete public storm-only sewer located in NE 21<sup>st</sup> Avenue and a 27-inch concrete public storm-only sewer located in NE Argyle Street. There is also an 8-inch concrete public sanitary gravity sewer located in NE 21<sup>st</sup> Avenue and a 12-inch concrete public sanitary gravity sewer in NE Argyle Street.

**Zoning:** The zoning designation on the site includes General Industrial 2 (IG2) base zone, with Aircraft Landing Zone (h), and Environmental Conservation (c), overlay zones (see zoning on Exhibit B).

The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental Review.

The Aircraft Landing (h) overlay limits the height of structures and vegetation at this site to a maximum height of 530 feet. With a ground elevation of approximately 20 feet, this zoning is not applicable to this development.

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 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.

**Environmental Resources:** The application of the environmental overlay zones is based on detailed studies that have been carried out within eight 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 *Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor Industrial/Environmental Mapping Project* as

Central Columbia Inventoried Water Feature #28. This section of the Columbia Slough is described as providing important stormwater and groundwater drainage functions critical to the safety and protection of present and future urban development. Another important function is the wildlife corridor in the riparian fringe along the levee which connects wildlife islands in the form of wetlands and natural areas along its route. The values to be protected are as follows: forested riparian strip for wildlife habitat, visual amenity, and erosion control; and drainageway functions including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal.

The site is also identified in the *Middle Columbia Corridor/Airport Natural Resources Inventory* as Site #CS1, a 3.5 mile-long woodland section of the Columbia Slough (Inventory) adopted in November 2011, and regulated by Portland City Code Ch. 33.565, *Portland International Airport Plan District*. Typical resources found in the CS1 site are listed as open water stream/drainage way channels; wildlife connectivity; migratory stopover; herbaceous, scrub-shrub and forested wetlands; vegetated flood area; bottomland hardwood forest with black cottonwood and red alder predominant, and native shrubs intermixed with Himalayan blackberry. Functional values consist of microclimate and shade; stream flow moderation and water storage; bank function; and sediment, pollution and nutrient control; large wood and channel dynamics; organic inputs, food web and nutrient cycling; wildlife habitat; habitat connectivity/movement corridor. Although water quality in the Slough is degraded, the adjacent riparian area is given a “high relative values/Special Habitat Area” ranking for both riparian resources and wildlife habitat.

This ranking is further supported in Metro’s *Nature in Neighborhoods* inventory of regionally significant riparian corridors and wildlife habitat. The Slough’s resources and functional values identified in this Inventory include:

- a. *Regionally Significant Riparian Corridors*: Vegetated riparian corridors provide important natural watershed functions. Tree canopy shades streams, helping to keep streams cool, which benefits fish and other aquatic species. Riparian vegetation helps to stabilize stream banks, capture sediment in stormwater runoff, support natural hydrologic flow processes and nutrient cycling, and provides a source of woody materials to the streams. Wood in streams enables natural channel-forming processes that support native aquatic species.
- b. *Regionally Significant Wildlife Habitat*: These resources provide important feeding, breeding and nesting habitat for native wildlife. Some of the wildlife species using the riparian area include: willow flycatchers, belted kingfishers, great blue herons, common merganser, Western painted turtle, river otter, nutria and beaver.

The applicant states that the riparian area between the site and the Slough contains 21 native Red alder trees that are 6 inches or greater in diameter and also includes 3 black locust – an invasive species. Understory plants include weeds, grasses and rhododendron.

**Impact Analysis and Mitigation Plan:** A description of the proposal was provided on page two of this report. The construction management plan, mitigation and monitoring proposal are also described.

The applicant provided three alternatives to clean up the impacted area, one of which was a “no action” alternative that would allow contaminated water to eventually migrate into the Middle Columbia Slough. The remaining two alternatives include the above described proposal and a second, more intrusive proposal that would include excavation and installation of a “cutoff” wall to stop the migration of contaminated material, plus pumping wells to deal with contaminated water over an extended time period. The preferred alternative will remove the contaminated soils at one time, so that long-term protective measures will not be necessary.

The proposal to remove the highly contaminated soils is a remediation plan to clean up hazardous materials from previous uncontained industrial activity on the site. Without action, contaminated groundwater would eventually migrate to the Middle Columbia Slough and on to the main Columbia Slough, impacting aquatic plant and wildlife species along the way.

The applicant proposes to do the excavation work during the drier summer months to reduce possible Slough contamination. However, the site has a high water table that may require shoring and pumping of contaminated water during the excavation process. Such water will be pumped to the existing storm water treatment facility on the site.

The work zone is contained by curbs and stormwater best management practices will be used to protect the existing on-site stormwater treatment system. The consultants recommend that contaminated soils be loaded directly into haul trucks and not be stored on-site. They further recommend that the loads be covered before they leave the site. The site plans do not show a storage area for contaminated soils, only for clean soils. However, at the time of application, a licensed disposal site had not been determined for disposal of the contaminated soils. Conditions are therefore required to ensure that excavated contaminated soils are immediately loaded into haul trucks and not stored on site, and to ensure that that the permitting for the waste disposal facility is completed prior to excavating any material from the site. With these conditions, the possibility of spreading contaminated soils both on and off the site will be greatly reduced.

The applicants estimate that the top 5 feet of soil is not contaminated. These uncontaminated soils will be placed on an impermeable underliner located in the transition area that will be covered any time precipitation is forecast within the immediate 24-hour period. Bio-filtration bags and/or compost socks will be placed along the soil stockpile perimeters. Asphalt removed from the excavation site will be recycled, and the site will be swept daily to reduce tracking contaminated material off-site. The site will be repaved following completion of the clean-up process.

The applicant states that the removal of a contamination source, with its current potential to contaminate the Columbia Slough, is a mitigation project. Most of the work area is located within the Environmental Transition Area, with approximately 1,150 square feet of temporary disturbance in the Resource Area. About 110 square feet of this disturbance is located under a paved area. The applicant proposes to remove any identified invasive species from around the “project area” and to install biofilter bags around inlets, drains, and catch basins to prevent sediment movement towards the Slough. Trapped sediments will be removed periodically from these areas.

Upon completion of the excavation project, the excavated area will be refilled with both imported clean, compacted aggregate material and with the reserved clean excavated soils, and then be repaved with asphalt to match the existing paved areas.

**Land Use History:** City records indicate that a prior land use review includes the following:

LU 12-198739 EN – An approved proposal to construct a stormwater treatment facility in the northeastern corner of the existing parking lot.

## **PUBLIC REVIEW COMMENTS**

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 5, 2015**. The following Bureaus have responded with no issues or concerns:

- 1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E.1 through E.6 for details. The comments are reflected above in the description of existing infrastructure, and are included below under the appropriate criteria for review of the proposal, where applicable.
- 2. Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 5, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **33.430.250 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 430.190, 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 remedial action project are found in Section 33.430.250 E. The applicant has provided findings for these approval criteria and BDS Land Use Services staff has amended 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;**
- 2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;**
- 3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;**

**Findings:** These criteria require the applicant to demonstrate that impacts to existing resources and their functional values will be minimized; that alternatives were considered during both the design and project location determination processes; and that appropriate measures have been developed to ensure the protection of existing resources and their functional values.

On this site, the proposed excavation of contaminated soils is site specific and thus dictates the location of the project. The two settling ponds are located north of the main building and mainly below the existing paved surface between the building and the top of bank of the Middle Columbia Slough. The excavation will extend beyond the paved area north into the top-of-bank area of the Slough. A wedge of resource area, which includes paved parking and storage area, contains very little native vegetation as the non-paved areas have been cleared of brush out to the applicant's property and fence line.

The applicant supplied construction management details which indicate appropriate measures will be taken to ensure that contaminated materials or other debris cannot migrate off-site or enter the Middle Columbia Slough. Equipment and tools will be stored and staged on the paved area which is bordered by an existing concrete curb.

In addition, silt fencing will be positioned along the northern property line of the site to catch any sediment that might escape the excavation area. Biofilter bags will be positioned around inlets and drains, and within catch basins to prevent any sediment from flowing off-site. Soil stockpiles will be covered any time rain is forecast within a 24-hour period. Asphalt currently covering the site that must be removed will be recycled off-site. Any sediment that might possibly seep behind the sediment fence will be removed on a regular basis, as will trapped sediment in the catch basins.

The construction management plans show that the applicant/owner is responsible for implementing the erosion control measures on the site. Therefore a condition is required to ensure that the owner, SAPA Profiles, Inc., is aware of its responsibility for ensuring that the above described erosion controls and construction management techniques are properly installed and maintained at all times on the site throughout the clean-up activities.

A small portion of the Environmental Resource area will be impacted by the proposal. Because the remediation project will occur almost completely within an existing paved surface area that is used as both a storage and vehicle parking area, very little soil or native vegetation areas should be impacted by the project. Proposed erosion control methods used for the excavation are meant to ensure that contaminated material will not be tracked off-site or be spread to other areas of the site. With conditions regarding the property owner's responsibility for correct installation and maintenance of all erosion control mechanisms, these criteria will be met.

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

**Findings:** As described by the applicant, the majority of this project will occur over an area that is mostly paved and that has existing on-site stormwater infrastructure. However, an approximate 1,150 square-foot, mostly unpaved environmental resource area will be impacted by the excavation. This resource is in relatively poor condition as the area is compacted and contains little to no vegetation, native or otherwise. Significant detrimental impacts have already occurred to this resource area due to the paving and storage of industrial materials. Excavation within this resource area, however, could impact roots of nearby trees and any other native species that are in the area.

This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the project's impacts, as well as sufficient in character and quantity to replace lost resource functions and values. As stated above, most of the disturbance area will occur in an area covered by asphalt, which the owner plans to replace upon project completion.

The mitigation plan shows that the excavated paved resource area will be repaved, and a "replanting area" of about 1,080 square feet in the riparian area adjacent to the excavation site will be planted with a native upland seed mix. However, native shrubs should be included in the mitigation plan to provide additional screening from the Slough and to improve resources available for wildlife in the riparian area.

Further, in 2012 the applicant requested an Environmental Review to construct a new water treatment system, which is now installed in the northwest corner of the site. As mitigation for disturbance in the Conservation/riparian resource area for that project, the application was approved with conditions to plant 100 specific native shrubs along the slough's top of bank and the area was to be seeded with a native forb seed mix at a rate sufficient to cover 100 percent of the temporary disturbance area for that project. The shrubs included red currant, pacific ninebark, red elderberry, and red-osier dogwood. Permit CO12-148220 for the work has not been finalized.

In January 2015, an Early Assistance Meeting was held with the applicants to discuss the current proposal. Included in the EA meeting notes sent to the applicant was the following requirement:

**Mitigation was required for the prior land use case, LU 12-198739 EN. There is no evidence that mitigation for that approval has been installed.** You must submit photo evidence with your application of the installed mitigation plants or approved zoning permits that show mitigation plants were inspected. If you do not have such evidence, then you will need to include the previously required mitigation with your proposed new mitigation plan.

Documentation was not provided with the current application materials that show the LU 12-198739 required mitigation has been installed; the permit for the work and required mitigation has not been finalized; and, the current application does not show installed mitigation plants from LU 12-198739.

Therefore, Conditions of Approval from Land Use Case 12-198739 EN remain in effect and must be installed as modified by this current land use case. The 2012 case required 100 shrubs to be installed in a diamond pattern for a length of approximately 200 feet, from east to west starting near the east property line. A new condition should include the 2012 required

shrubs to be installed as well as additional shrubs and a native seed mix for the current proposal. The site is about 400 feet wide across the northern end bordering the Slough. For mitigation of the current review, 60 shrubs should be planted in the riparian area. Together with the original 100 shrubs, a total of 160 shrubs would be installed within an approximately 15-foot wide, 300-foot long area, measured from the west property boundary, adjacent to the north of the paved parking area. Because of the larger planting area, additional shrub species should be added to the original list of shrubs. The 2012 list included: red currant, pacific ninebark, red elderberry, and red-osier dogwood. Blue and red elderberry, Indian plum, western crabapple, and common chokecherry should be added to the list. The shrubs should be planted in a diamond pattern to provide as much coverage within the 15-foot wide planting area as possible.

The required mitigation must be shown on the permit for the excavation project. The mitigation plants must be watered throughout the summer to ensure their survival.

**Monitoring of the mitigation plants is required.** The applicant shall request a second inspection of the mitigation plants after two years from installation to ensure plant survival during this period. Plants that have died must be replaced, and yearly inspections shall be required to ensure the success of the required mitigation over a three year period. A Zoning Permit shall be required for final inspection. Non-compliance with the mitigation planting and inspection requirements **will** result in the pursuit of an Environmental Violation case against the owner of the site.

- 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:** Per the above required planting plan, mitigation of significant detrimental impacts will be conducted on the same site as the proposed use or development, and the applicant owns the proposed on-site mitigation area. *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, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The applicant's aluminum extrusion and shipping facility resulted in additional underground contamination from two holding ponds that had been used to capture and treat wastewater from the plant between 1967 and 1979. Although the ponds were decommissioned by the late 1980s, new investigations show that contaminated sludge and caustic residue remain at the bottom of the primary pond. The current proposal will excavate this contaminated soil and dispose of it at a facility qualified to store and/or decontaminate it. An approximate 6,400 square-foot paved area will be excavated to a depth of about 20 feet, impacting approximately 1,150 square feet of environmental conservation resource area. A temporary soil stockpile area will be located outside the Environmental Zone on the paved surface.

Mitigation requirements from a previous land use review to allow construction of stormwater treatment facilities to treat contaminants from the plant have not been installed to date, although the treatment facilities have been constructed. Although technically in violation of that land use decision (LU12-198739 EN), conditions of approval for the current review will



ensure that the previously required mitigation plan will be installed as well as the plants required by this review, which will be sufficient mitigation for all impacts of both proposals.

## ADMINISTRATIVE DECISION

**Approval** of an Environmental Review for:

- Excavation and off-site disposal of contaminated sludge material from an approximately 6,400 square-foot area and relocating an electrical conduit with approximately 1,150 square feet in the resource area of the Environmental Conservation zone;
- Amending mitigation requirements of LU 12-198739 EN

and in substantial conformance with Exhibits C.2 through C.4, as modified, signed and dated by the City of Portland Bureau of Development Services on **April 9, 2015**. Approval is subject to the following conditions:

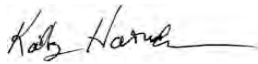
- A. A BDS construction permit is required** for development and inspection of required mitigation plantings. Copies of the stamped Exhibit C.4 from LU 15-105004 EN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (building, Zoning, grading, Site Development, 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 15-105004 EN, Exhibits C.2 through C.4.”**
- 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.3.a – 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, or other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
  2. SAPA Profiles, Inc. is responsible for ensuring that the above described erosion controls and construction management techniques are correctly installed and maintained at all times on the site throughout the clean-up activities.
  3. During excavation activities, contaminated soils shall be loaded directly into covered haul trucks and removed from the site, and shall NOT be stored on-site.
  4. Construction management requirements described in this review shall be implemented prior to any excavation activity on the site and shall, at a minimum, include the following:
    - Silt fencing shall be installed in front of the construction fencing along the north edge of the proposed work area;
    - Clean soil stockpiles shall be covered any time rain is forecast within a 24-hour period;
    - Contaminated asphalt to be removed shall be recycled off-site;
    - Biofilter bags will be positioned around inlets and drains, and within catch basins to prevent any sediment from flowing off-site;
    - Any sediment that may seep behind the sediment fence and any trapped sediments in the catch basins shall be removed on a regular basis and prior to any predicted rain events.
- C. A BDS Development Permit is required** for installation of mitigation plants in compliance with the following requirements:
1. A 5 to 10-foot wide strip in the resource area waterward of both the existing curb and all paved areas, identified as the Planting Area on approved Site Plan C.4, shall be cleared of invasive and weed species, and shall be prepared for the required seeding of a

native riparian seed mix and installation of the native shrubs listed below.

2. A total of 160 native shrubs shall be planted in a diamond pattern within the approved 300-foot long planting area.
3. Native plants to be installed in the planting area shall include a minimum of 6 species selected from the following: *red currant*, *pacific ninebark*, *red elderberry*, *blue elderberry*, *Indian plum*, *red-osier dogwood*, *western crabapple*; and *common chokecherry*.
4. The planting area shall also be seeded with a native grass/forb mix at a rate sufficient to establish complete groundcover of the planting area.
5. The applicant shall irrigate the mitigation plants to ensure their survival.
6. The Planting Plan shall be drawn to a scale no smaller than 1:20 to show placement of individual shrubs.
7. The Planting Plan shall include a note identifying the native groundcover seed mix, as well as the *dispersion rate*, *sufficient to provide 100 percent groundcover of the required mitigation area*, as described above;
8. Mitigation Plants may be grouped in clusters of up to three plants.
9. Plantings shall be installed between October 1 and March 31 (the planting season).
10. All shrubs shall be marked in the filed by a lag attached at the top of the plant for easy identification.

**D.** 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.

**Staff Planner: Kathy Harnden**

**Decision rendered by:**  **on April 9, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: Date**

**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 January 14, 2015, and determined to be complete on **February 3, 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 February 3, 2015.

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 a total of four weeks, as stated with Exhibits G.2 and G.3. Unless further extended by the applicant, **the 120 days will expire on: June 30, 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 27, 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 5<sup>th</sup> 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](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 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 28, 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.

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:

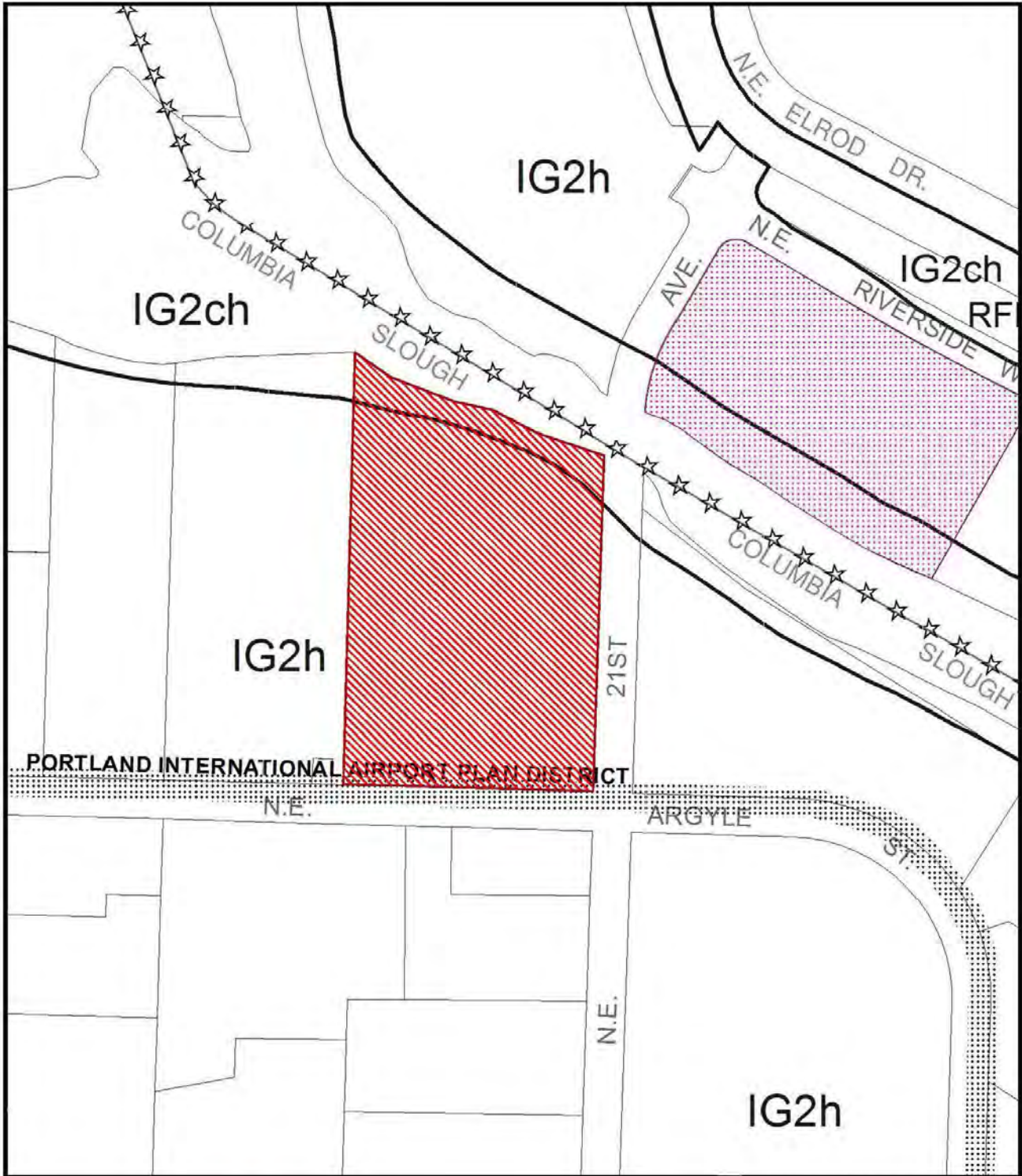
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. 1. Applicant's Statement
- 2. Applicant's Geotechnical Engineering Design Study
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Site Plan
  - 2. Proposed Excavation Areas (attached)
  - 3.a Construction Management Plan (attached)
  - 3.b Construction Management Details Plan
  - 4. Planting Plan (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 - NONE
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life/Safety
- F. Correspondence:
  - None
- G. Other:
  - 1. Original LU Application
  - 2. 3/04/15 2-week Extension
  - 3. 3/27/15 2-week Extension

**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
-  Also Owned
-  Recreational Trail



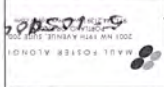
This site lies within the:  
**PORTLAND INTERNATIONAL AIRPORT PLAN DISTRICT**  
**MIDDLE COLUMBIA SLOUGH SUBDISTRICT**

File No. LU 15-105004 EN  
 1/4 Section 2232  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E11D 500  
 Exhibit B (Jan. 16, 2015)





# Construction Management Plan



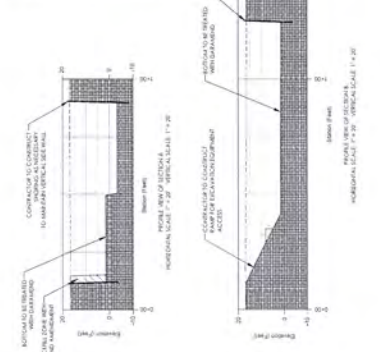
POND REMEDIATION  
SAPA Main Plant  
7203 NE 21st Ave, Portland, OR

DATE	11/15/2015
PROJECT	W15-105004-EN
CLIENT	City of Portland
SCALE	AS SHOWN
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Signature]
DATE	11/15/2015
PROJECT	W15-105004-EN
CLIENT	City of Portland
SCALE	AS SHOWN
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Signature]



- NOTES:
1. TOTAL REMEDIATION AREA APPROXIMATELY 100,000 SQ FT (10 ACRES).
  2. TEMPORARY WORKING AREA WITH THE ENVIRONMENTAL COMPLIANCE COMPANY.
  3. TEMPORARY WORKING AREA WITH THE ENVIRONMENTAL COMPLIANCE COMPANY.
  4. SEE SHEET C-1 FOR LOCATION, SPICES, AND SET OF REMEDIATION.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION CONTRACT PROJECT.
  6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION CONTRACT PROJECT.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION CONTRACT PROJECT.
  8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION CONTRACT PROJECT.

**\*Approved\***  
**City of Portland**  
**Bureau of Development Services**  
Planner S. Sandoz  
4/19/2015  
11/15/2015

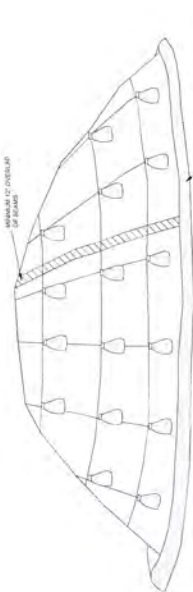




**EROSION CONTROL MEASURES - EDC NOTES**

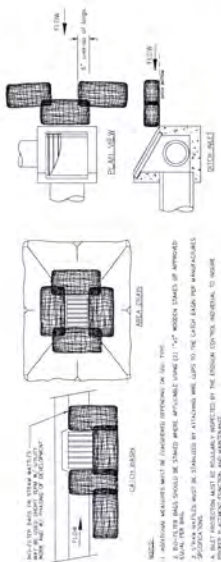
THE EDC REQUIREMENTS LISTED BELOW SHALL BE FOLLOWED, AS APPLICABLE.

1. ALL EROSION, SEDIMENT AND POLLUTION CONTROL PLAN EDCP MEASURES SHOWN SHALL BE INSTALLED AS PER THE DETAIL DRAWINGS IN THE CITY OF PORTLAND CITY EROSION CONTROL MANUAL AVAILABLE THROUGH THE OFFICE OF PLANNING AND DEVELOPMENT REVIEW 1998 SW 4TH AVE. PORTLAND, OREGON.
2. TEMPORARY EDCP MEASURES SHALL BE INSTALLED BEFORE STARTING GROUND DISTURBING ACTIVITIES.
3. EDCP MEASURES SHALL NOT BE REMOVED UNTIL PERMANENT STABILIZATION MEASURES ARE COMPLETED.
4. THE IMPLEMENTATION OF THESE EDCP MEASURES SHALL BE MONITORED, MAINTAINED, RELOCATED AND UNBARRICADED THESE EDCP FACILITIES BY THE RESPONSIBILITY OF THE CONTRACTOR WITH ALL COSTS TO BE COMPLETED. UNAPPROVED CHANGES TO THE EDCP MEASURES SHALL BE REPORTED TO THE PORTLAND CITY ENGINEER IN WRITTEN MANNER AS TO HOW THE SEDIMENT AND SEDIMENT-CATCHING WATER DO NOT ENTER THE DRAINAGE SYSTEM OR ROADWAYS, OR ADJACENT APPLICABLE WATER QUALITY STANDARDS.
5. THE EDCP FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE EDCP FACILITIES SHALL BE UPGRADED TO INSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT LEAVE THE SITE.
6. THE EDCP FACILITIES SHALL BE INSPECTED DAILY BETWEEN 11 AM AND 4 PM BY THE CONTRACTOR AND MAINTAINED AS NECESSARY, TO ENSURE CONTINUED AND PROPER FUNCTIONING. ALL INSPECTIONS SHALL BE NOTED IN AN INSPECTION LOG.
7. THE EDCP FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM ONCE A MONTH, OR WITHIN 24 HOURS FOLLOWING A STORM EVENT.
8. THE EDCP FACILITIES ON ACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM ONCE A MONTH, OR WITHIN 24 HOURS FOLLOWING A STORM EVENT.
9. STOCKPILE STABILIZATION OR COVERING OF SOLE STOCKPILES AND PROTECTION OF STOCKPILES LOCATED AWAY FROM CONSTRUCTION ACTIVITY MUST TAKE PLACE AT THE END OF EACH WORKDAY, OR OTHER BMP, SUCH AS DIVERSION OF UNCONTAMINATED FLOW AND INSTALLATION OF SEDIMENT FENCES OR COMPOST SOCKS AROUND STOCKPILES. BMP'S BE APPLIED TO PREVENT TURBID DISCHARGE TO SURFACE WATER.
10. SEDIMENT MUST NOT BE INTENTIONALLY WASHED INTO STORM SEWERS, DRAINAGEWAYS OR WATER BODIES.
11. STOCKPILE MUST BE REMOVED FROM BEHIND A SEDIMENT FENCE WHEN IT HAS REACHED A HEIGHT OF 1/2 THE HEIGHT OF THE ABOVEGROUND PORTION OF THE FENCE, AND BEFORE FENCE REMOVAL.
12. SEDIMENT MUST BE REMOVED FROM BEHIND BIO BAGS AND OTHER BARRIERS ONCE IT HAS REACHED A HEIGHT OF TWO INCHES, AND BEFORE BMP REMOVAL.
13. REMOVAL OF TRAPPED SEDIMENT IN LEACH BAGS MUST TAKE PLACE WHEN THE SEDIMENT RETENTION CAPACITY HAS BEEN REDUCED BY 50% AND AT COMPLETION OF PROJECT.
14. BMP'S MUST BE INSPECTED BEFORE DURING AND AFTER SIGNIFICANT STORM EVENTS AS 3/8 INCHES OF RAIN OR MORE IN 24 HOURS.
15. SHOULD ALL CONSTRUCTION ACTIVITIES CEASE FOR THREE DAYS OR MORE, THE ENTIRE SITE MUST BE TEMPORARILY STABILIZED USING VEGETATION OR A HEAVY MULCH WATER, TEMPORARY SEEDING, OR OTHER METHOD.
16. SHOULD CONSTRUCTION ACTIVITIES CEASE FOR FIFTEEN DAYS OR MORE ON ANY SIGNIFICANT PORTION OF A CONSTRUCTION SITE, TEMPORARY STABILIZATION WITH STRAW, COMPOST, OR OTHER TOPSOIL COVERING THAT PREVENTS SOIL OR WIND EROSION IS REQUIRED FOR THAT PORTION OF THE SITE UNTIL WORK RESUMES.
17. TO ENSURE WORKING ORDER OF BMP'S, ALL EDCP CONTROLS AND PRACTICES MUST BE VISUALLY INSPECTED ONCE PRIOR TO THE SITE BECOMING INACTIVE OR IN ANTICIPATION OF SITE UNDEVELOPMENT.
18. TO THE EXTENT PRACTICABLE, EXCAVATION SPOILS SHALL BE REUSED AS EXCAVATION BACKFILL IF SUITABLE OR DEPOSITED ON-SITE. IF NECESSARY, TEMPORARY SEDIMENT STOCKPILES ARE LEFT OUTNIGHT, THEY SHALL BE COVERED WITH VEGEABLE OR APPROVED EQUAL IMPERMEABLE MATERIAL.



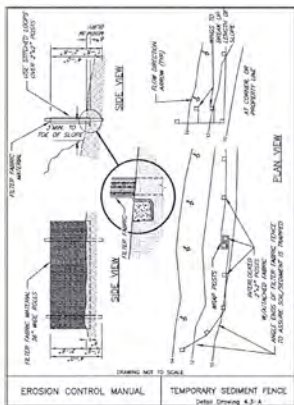
1. MAXIMUM 12' DIAMETER OF ALL ITEMS REQUIRED.
2. CONCRETE SHALL BE MAINTAINED 100% IN PLACE BY USING SAND BAGS OR TIRES ON STEEP SLOPES OR SOIL AREAS.

**STORMWATER INLET BIORIG DETAIL**

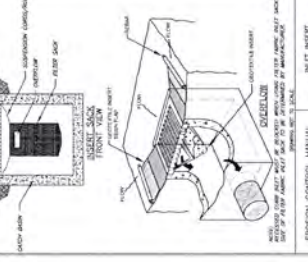
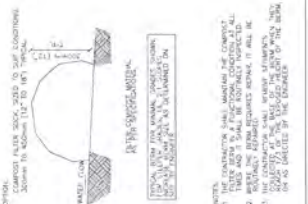
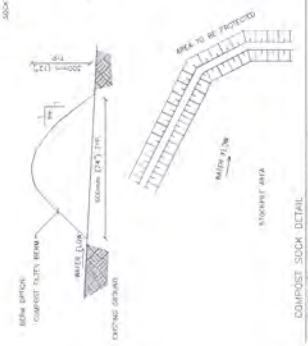


- Notes:**
1. ADDITIONAL MEASURES MUST BE CONSIDERED DEPENDING ON SITE TYPE.
  2. ALL ITEMS SHALL BE STRENGTH APPROVED PER CITY OF PORTLAND PERMITS DIVISION.
  3. ALL ITEMS SHALL BE INSTALLED BY ATTACHED AND LISTED TO THE CITY ENGINEER APPROVED CONTRACTOR.
  4. ALL MEASURES MUST BE MAINTAINED BY THE EROSION CONTROL MANAGER, TO INSURE PROPER FUNCTIONING, AND RECORDING.
  5. ALL NOT RECORDED WITH PERMITS DIVISION.

**STORMWATER INLET BIORIG DETAIL**



**EROSION CONTROL MANUAL**      **TEMPORARY SEDIMENT FENCE**  
Detail Drawing: EDC 2.4



**EROSION CONTROL MANUAL**      **INLET STRUCTURE**  
Detail Drawing: EDC 2.5

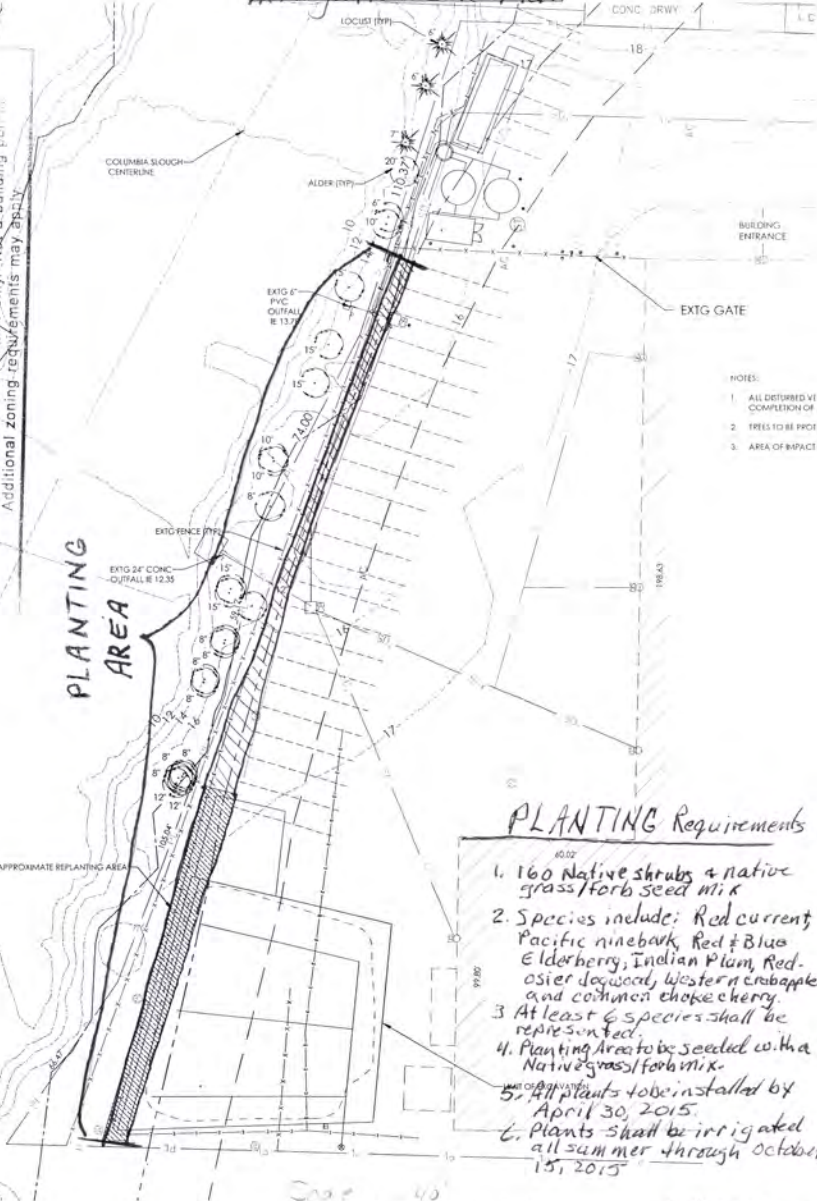
W15-105004-EN C.3.6

# Mitigation Site Plan

\*Approved\*  
 City of Portland - Bureau of Development Services  
 CO # 13-105004 EM  
 Date 4/9/15  
 Subject for Environmental Review only. Not a building permit.  
 Additional zoning requirements may apply.

## PLANTING AREA

APPROXIMATE REPLANTING AREA



- NOTES:
1. ALL DISTURBED VEGETATION TO BE REPLANTED
  2. TREES TO BE PAVED
  3. AREA OF IMPACT

## PLANTING Requirements

1. 160 Native shrubs & native grass/forb seed mix
2. Species include: Red current, Pacific ninebark, Red & Blue Elderberry, Indian Plum, Red-osier dogwood, Western crabapple and common chokecherry.
3. At least 6 species shall be represented.
4. Planting Area to be seeded with a Native grass/forb mix.
5. All plants to be installed by April 30, 2015.
6. Plants shall be irrigated all summer through October 15, 2015.