



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

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Date: December 20, 2021
To: Interested Person
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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 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 21-066628 EN

GENERAL INFORMATION

Project Consultant: John Van Staveren | *Pacific Habitat Services*
9450 SW Commerce Circle, Ste 180 | Wilsonville, OR. 97070
(503) 570-0800 | jvs@pacifichabitat.com

Applicant: Jeff Patton | *Alliance Pacific Northwest Builders, LLC*
355 NE Ford St | McMinnville, OR. 97128

Owner's Agents: Loren Davis | *Columbia Crossing, LLC*
515 NE Tomahawk Island Drive | Portland, OR. 97217

Mark McCuddy | *MC Marine, LLC*
250 NE Tomahawk Island Dr | Portland, OR. 97217

Owner: Columbia Crossings LLG
2001 Western Ave #330 | Seattle, WA 98121

Site Address: 110 N TOMAHAWK IS DR

Legal Description: BLOCK 4, POPPEN ISLANDER; TL 300 13.80 ACRES, SECTION 03 1N 1E

Tax Account No.: R667121200, R941032220,
State ID No.: 1N1E03AB 00400, 1N1E03AA 00300
Quarter Section: 1830 & 1930

Neighborhood: Hayden Island, contact Martin Slapikas at slapikasm@gmail.com
Business District: Columbia Corridor Association, contact at info@columbiacorridor.org
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Plan District: Hayden Island

Other Designations:	100-year floodplain Site 71 – <i>Columbia Corridor Environment & Industrial Mapping Project (1989)</i>
Zoning:	CEchx - Commercial Employment (CE) base zone, with Environmental Conservation (c), Aircraft Landing (h), and Portland International Airport Noise Impact (x) overlay zones.
Case Type:	EN— Environmental Review
Procedure:	Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to provide a stormwater outfall structure into the Oregon Slough/Columbia River on Tax Lot 300, which is needed for the construction of new apartment buildings on Tax Lot 400, south of N. Tomahawk Island Drive. The other elements of the new apartment project on Tax Lot 400 are not within the resource area of the Environmental Conservation overlay zone and are not included in this review.

The proposed 30-inch stormwater outfall will be maintained and owned by the City of Portland, Bureau of Environmental Services and will replace the existing 10-inch public outfall currently located within the same utility easement on the abutting property to the north. It will accommodate treated stormwater from the proposed apartment complex and its associated improvements as well as portions of the adjacent right-of-way and future development on the site to the north. It will transport the captured stormwater into the slough and will discharge is onto a vegetated rip-rap pad that will protect the bank from erosion. The proposal is for a 14-foot-wide temporary disturbance area that will be replanted with native shrubs and groundcovers.

The trenching associated with the temporary disturbance will result in the removal of one 33-inch diameter Black cottonwood. Initial documentation showed the tree within the Environmental Conservation overlay, which is located 25 feet from top of bank, but a new survey and narrative provided by the applicant’s surveyor show the tree outside the overlay; the narrative verifies that measurements used to establish top of bank and the overlay boundary were pursuant to the definition of “Top of Bank” in 33.910.030 and to 33.930.150 “Measuring Top of Bank”. Therefore, removal of the tree is not subject to the standards or approval criteria of 33.430 and thus not reviewed in these findings.

The outfall is within the resource area of the Environmental Conservation overlay zone. Certain environmental standards must be met to allow the work to occur by right. In this case, the proposed work doesn’t meet all the standards of 33.430.180 Standards for Stormwater Outfalls. Specifically, the project doesn’t meet 33.430.180.A, which limits the width of temporary disturbance for the outfall to 10 feet; the project also doesn’t meet 33.430.180.H, which limits the size of an outfall to four-inches. Therefore, a Type II Environmental Review is required.

Relevant Approval Criteria:

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

- **33.430.250.A** – *Approval Criteria for Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.*

ANALYSIS

Site and Vicinity: The site is on the south shore of the east end of Hayden Island, on the Oregon Channel of the Columbia River. It is located about three-quarters of a mile ESE of Interstate 5 (I-5). While the site and abutting lots are zoned either commercial or industrial, the dominant development in the vicinity is household living, including a great many floating

homes; much of the Oregon Channel is lined with moorages on both sides and inlets and bays north of the subject site are also home to extensive moorages and docks.

Zoning: The zoning designation on the site includes Commercial Employment (CE) base zone, with Environmental Conservation (c), Aircraft Landing (h), and PDX Noise Impact (x) overlay zones. The site is also in the Hayden Island plan district - (see zoning on Exhibit B).

The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

The Environmental Conservation (c) overlay zone protects 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 Environmental Review is to ensure compliance with the regulations of the Environmental Conservation overlay zone.

The Aircraft Landing (h) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The Portland International Airport Noise Impact (x) overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easement.

The Hayden Island plan district is intended to preserve and enhance both the character and opportunities of Hayden Island in accordance with 33.532.010. The environmental zoning that applies to much of the plan district will preserve and restore the unique and valuable natural resources of the island, such as the shallow water habitat.

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

The project site is mapped within the *Columbia Corridor Environment & Industrial Mapping Project (1989)* as Site 71 (Exhibit G.5). According to the project inventory, Site 71 has a Wildlife Habitat Inventory Score of 18; according to pg 19 of the project document, scores in the study area range from 17 to 106, with 6 being the lowest ranking in the City at that time. The rating included evaluation of the presence and availability of water, food, and cover for wildlife. Values for human and physical disturbance, interspersions with other natural areas, and the scenic, education, and unique or rare occurrence of plant and animal species were also assigned.

The *Observations and Comments* section for Site 71 states the following:

This a highly disturbed, largely develop portion of the Columbia River. Levees maintained by the drainage districts, which extend along the length of the site, must be kept clear of large trees and protected form erosion. This results in

vegetation that is primarily grasses and shrubs, with occasional small groves of trees.

Open recreational activities, including launching ramps, beaches, and bicycle paths are the predominant activity along the eastern portion. Commercial and industrial activities including moorages, and residential development are in the central and western sections of the site.

The applicant's Environmental Consultant, Pacific Habitat Services (PHS), provided the following observations of the site's resources in the applicant's narrative:

*PHS visited the project area to evaluate and map the environmental resources on November 2, 2020. The tree canopy generally consists of mature black cottonwood (*Populus balsamifera*). Dominant vegetation along the banks of the Slough includes Himalayan blackberry (*Rubus armeniacus*) and English ivy (*Hedera helix*) with some English holly (*Ilex aquifolium*) present. All vegetation is limited to the steep bank along the Slough, as well as areas above the top of bank; there is little overhang into the Slough and no floating or aquatic vegetation at the time of the field investigation.*

Based on the 2020 field work, the riparian area has degraded structural and species diversity. Management concerns include the presence of non-native species (Himalayan blackberry) and an informal trail, which is located along the top of bank within the project area. Slopes along the bank of the Slough are steep and difficult to access due to Himalayan blackberry growth. (Exhibit A.7.a, page 6)

The narrative also includes a section by PHS regarding their observations on the site's functional values:

The project area provides poor quality habitat for fish and wildlife. The shoreline is heavily armored and includes densely packed docks and boat slips with extensive over-water coverage. The riverbank has no snags and broken-top trees, fallen trees, or diverse vegetation structure. The fish and wildlife habitat function in the project area is significantly degraded by nuisance plant species coverage (Himalayan blackberry and English ivy). Pond turtle habitat is absent. No diverse array of songbirds was observed during the site investigation. As such, the overall fish and wildlife habitat function in the project area is poor.

The habitat connectivity/movement corridor function provided within the project area is poor. The extensive bank armoring and in- and over-water structures greatly reduce the quality of the aquatic habitat connectivity/movement corridor. Terrestrial wildlife thoroughfares are truncated by busy roads to the north, east and west, and the Oregon Slough to the south. Given the significance of the isolation of the site caused by extensive in- and over-water structure and heavy traffic roads, the overall habitat connectivity/movement corridor function within the project area is poor.

The water quality function provided within the project area is generally moderate to poor. The existing riparian vegetation provides poor flow moderation, and no water storage and delay, or sediment, pollution, and nutrient control. Steep slopes reduce the water quality functions, as any runoff water residence times are short compared to areas with more gentle slopes. The riparian area contains no bare soils, which reduces the likelihood of erosion and sedimentation from unstable banks. As such, the overall water quality function within the project area is moderate to poor. (Exhibit A.7.a, page 7)

Staff visited the subject site on September 1, 2021 and takes no exception to PHS' observations.

Land Use History: City records indicate prior Multnomah County land use reviews for this site:

- PD7-74a - Planned Development Multnomah County
- PD3-73a - Planned Development Multnomah County

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 18, 2021**. Several Bureaus responded, none objected and none requested conditions of approval. See Exhibits E.1 through E.6 for the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 18, 2021. A total of twelve written responses in opposition were received from the Neighborhood Association and notified property owners in response to the proposal. Many of the responses were similar and, in the summaries below, have been consolidated as appropriate, with staff's and/or the applicant's responses following them. The summary is not a complete list of all comments received. Please see the F-Exhibits for the complete responses from neighboring property owners and the neighborhood association. Please see Exhibit A.5.a for the applicant's complete responses to the neighbor's comments.

Neighbor Comment: The development is oversized, which is why they can't meet the standards for stormwater outfalls in 33.430.180. In addition, the size of the project will create traffic safety and congestion problems and overload the existing infrastructure. For these reasons the application should be denied and as required by 33.430.250.A.4.c, the project should be scaled down sufficiently to meet the standards of 33.430.180.

Staff Response: *The scale of the project is subject to the relevant development standards in 33.130 Commercial/Mixed Use Zones and in 33.532 Hayden Island Plan District, as well as 33.266 Parking and Loading. Right-of-way improvements are reviewed by PBOT at time of building permit application. In addition, the buildings and parking and vehicle areas are located outside of the Environmental Conservation overlay and are thus not subject to the provisions of 33.430.*

Furthermore, 33.430.250.A.4.c, which is cited by the Neighborhood Association, does reference reducing the number of units in a proposal to reduce environmental impacts applies to Land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. The proposed development doesn't include any of those land use actions, so that approval criterion is not applicable. The approval criteria that apply to outfalls and that will be addressed in the findings below are 33.430.250.A.1.a through e and 33.430.250.A.3.a through c.

Finally, while the outfall proposal doesn't meet the standards of 33.430.180, this should not be read to mean that the development should be denied. As noted in 33.430.210.B, Environmental Review is intended to, among other things, provide a mechanism to modify the development standards of 33.430 if the proposed development can meet the purpose of the applicable regulations (i.e. those in 33.430.180). In other words, Environmental Review is a way for proposals that don't or can't meet the applicable development standards to be scrutinized and designed to meet the purpose of the regulations; the purpose statement for the development standards of the Environmental Zones chapter are stated in 33.430.110. The approval criteria are written to ensure that proposals that meet them are consistent with the purpose statement of 33.430.110. The Environmental Conservation overlay is not intended to prohibit development, but to ensure that it occurs in an environmentally-sensitive manner. See the findings for Approval Criterion A.1.a for more detailed information on why meeting Standard 33.430.180.H, which limits the site to one 4-inch outfall, is infeasible.

Neighborhood Comment: The application doesn't meet approval criterion 33.430.250.A.1.e, which requires that the applicant own the mitigation site, because the applicant, listed as

Alliance Pacific Northwest Builders LLC in the notice of proposal, is different from the listed owner, *Columbia Crossings LLC*.

Applicant's Response (Exhibit A.5.a): In anticipation of needing to meet the requirements of 33.430.250.A.1.e, the applicant is under contract to purchase the mitigation area, which is a component of the larger development site, from its current owner Columbia Crossings LLC. This will occur at closing, which in part, is dependent on receiving approval of all necessary entitlements including Environmental Review approval. Knowing that ownership is a requirement ... to ensure applicant's control of the mitigation, we anticipate that the City will include a condition in your Type II Decision that will require the applicant to obtain ownership prior to receiving final permits. Realizing that property ownership arrangements are often delayed until after approvals have been granted, the City of Portland has conditioned other projects in our situation... [Staff Note: Staff takes no exception to this request and will include a condition requiring that the applicant provide proof of ownership/ a recorded easement benefiting the applicant prior to issuance of permits to conduct the work to install the subject outfall.]

Neighborhood Comment: The applicant has not specified how the stormwater will be treated before outfalling in close proximity to the moorage. The impervious surfaces that will drain into the pipe, especially the parking lot, can contain toxic compounds from vehicles and the like. In addition, the amount of water falling into the river right at the moorage is cause for concern for the safety and stability of the moorage's homes.

Staff Response: *As noted in the stormwater report submitted by the applicant (Exhibit A.3.a) and as reiterated in BES comments (Exhibit E.1), the proposed impervious area will be managed by flow-through stormwater planters sized to manage water quality in conformance with the Stormwater Management Manual (SWMM). Compliance with the SWMM will be reviewed under and required as part of the building permit application. Additionally, BES' response provides the following additional information on water quality requirements:*

Note that maximum building coverage allowed by the zoning code, including below grade development, does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to Sections 1.3.2, 1.3.4, 3.2.4 and 4.2.2 of the SWMM). (Exhibit E.1, Section C.2)

Also,

The project site is located in the Lower Columbia River Watershed, where Environmental Protection Agency Total Maximum Daily Load (TMDL) water quality requirements apply. The SWMM requires that applicants use pollution reduction facilities that are capable of reducing TMDL pollutants. Vegetated facilities sized according to the Simplified or Presumptive Approaches meet these requirements. (Exhibit E.1, Section C.2.a)

Furthermore, the applicant provided the following additional response:

Because the site discharges to the Columbia River and because the project has a federal nexus (i.e., a Corps of Engineers permit), the stormwater plan also needs to meet the National Marine Fisheries Service (NMFS) criteria, as included in NMFS' "2014 Revised Standard Local Operating Procedures for Endangered Species to Administer Maintenance or Improvement of Stormwater, Transportation, and Utility Actions Authorized or Carried Out by the U.S. Army Corps of Engineers in Oregon (SLOPES for Stormwater, Transportation or Utilities)."

On September 14, 2021, NMFS approved the stormwater plan and the outfall location, which ensures that the proposed project has the highest level of stormwater treatment required in Oregon, which will protect the numerous species of

salmonids that are protected under the federal Endangered Species Act, and that are present within the Columbia River. (Exhibit A.5.a, pages 2 and 3)

ZONING CODE APPROVAL CRITERIA

33.430.250 Approval Criteria

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

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.

Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

Findings: It is worth noting up front that because of the size of the site and proposed impervious area, meeting Standard 33.430.180.H, which limits a site to one 4-inch outfall, is infeasible. Per 33.130, the maximum building coverage is 75% of the site area, which is over 202,000 square feet. According to the Senior Project Designer, the maximum amount of impervious area that one 4-inch outfall could serve at the site would be 8,400 square feet, or a mere 3% of the total site area (Exhibit A.9). As such, meeting Standard 33.430.180.H is not practicable taking into consideration the logistics of the overall project purpose. The applicant's consultant provided the following Alternatives Analysis in the project narrative:

No-Build Alternative: The no-build option would not provide needed housing within the Portland-Metro area. The no build option will preserve 546 square feet of area within the C-zone, but the site improvements would not come to fruition.

Build Alternatives: Per City of Portland SWMM [Stormwater Management Manual] and EA [Early Assistance] notes (Exhibit G.6), stormwater management is required for the proposed apartment buildings. The project must comply with the Stormwater Infiltration and Discharge Hierarchy. Since groundwater elevation is high, infiltration is not feasible, which leads to the next Hierarchy category (discharging to a storm only sewer). As indicated in the alternative site designs below, there are no adequate storm-only mains available for connection. There are also no combined sewer mains located within the project vicinity; therefore, the project must outfall stormwater runoff to the Columbia River/Oregon Slough after water quality treatment occurs on-site.

Alternative Site Designs

Early in the project there were numerous discussions with the city regarding the outfall location. Alternatives discussed:

1. On-site infiltration,

2. *Connecting to the existing storm-only system to the north,*
3. *Outfalling directly to the river via new private outfall,*
4. *Outfalling directly to the river via existing outfall on neighboring property to the east. Manhole located on east property, and*
5. *Outfalling directly to the river via existing outfall on neighboring property to the east. Manhole located on subject property.*

Alternative 1 - On-site infiltration: *Infiltration testing results were provided by the Geotechnical Engineer of Record for the project, GeoDesign, Inc. Results indicated rates of 0-2 inches/hour at a depth of 5-15 feet. On-site infiltration was deemed infeasible due to relatively low infiltration.*

Alternative 2 - Connecting to the existing storm-only system to the north: *Utilizing the existing system to the north, across Tomahawk Island Drive, was not supported by BES Development Planning. There are many unknowns regarding pipe and outfall condition, pipe depth, and capacity of the system. Also, it is best practice to keep stormwater within the same drainage basin rather than transfer it to another when that option is available.*

Alternative 3 - Outfalling directly to the river via new private outfall: *A new direct private outfall to the river from the proposed development was deemed infeasible because there is not direct access to the river. The subject property does not abut the river, it is bisected by land that is either owned or leased by Tomahawk Destiny Association. To construct an outfall an agreement with the adjacent property owner would be required including a permanent easement. Stormwater runoff from the subject site would outfall directly onto the southern property before entering the river. Additionally, installing a new line creates more disturbance to the bank and C-Zone in comparison to upgrading an existing outfall and piping. Since Alt. 4 (listed below) provides an option to avoid temporary and permanent disruptions to the neighboring properties, and the city seemed agreeable to the route (per early email correspondence), Alt. 3 was not pursued further.*

Alternative 4 (Preferred Alternative) - Outfalling directly to the river via existing outfall on neighboring property to the east. Manhole located on east property: *The neighbor to the east has a property that directly abuts the river and an existing publicly owned 10" outfall in an easement to Multnomah County. This existing 10" pipe conveys stormwater runoff from Tomahawk Island Drive and the property to the east directly to the river. The east neighbor has agreed to all outfall upgrades required for our property to use the system. The existing outfall is positioned away from the existing house boats; therefore, providing minimal disturbance to the neighboring homes. The proposed outfall upgrades include a manhole to upsize the southern portion of existing pipe from 10" to 30" and removal of the existing 33" tree. The remaining 10" pipe north of the manhole will be protected. An access easement to City of Portland will be recorded since the pipe and outfall will be publicly owned and maintained. Upgrading a public system to meet future demand provides benefit to the public and minimizes future disturbance. While some disturbance to the C-Zone will occur with the construction of this outfall, it will prevent future disturbance because the outfall has been sized to convey runoff from adjacent properties.*

Future development at these properties will not require outfall construction and subsequent riverbank disturbance. This includes the property to the east and north of the project site as well as part of Tomahawk Island Drive.

When analyzing the best location for the outfall pipe, BES again was engaged in the conversation because this is a publicly owned and maintained pipe, which must meet city standards for sizing, slope, alignment, and location. During discussions with Andre Duval, BES expressed a preference for a manhole located landward of the C-Zone due to access concerns. Their maintenance crew will perform any required cleaning, pipe maintenance, and manhole maintenance. They favored a manhole located next to paving and on a level

grade. To meet their requirements, the manhole would be placed landward of the tree. The arborist determined that it is unlikely the tree could survive an open trench so close to the root zone. Boring was discussed with the construction team but would require a bore pit be dug for the equipment. The contractor has estimated that excavation would meet or exceed that of the manhole installation, which would cause a large disturbance to the C-Zone (much larger than the open trenching disturbance area). The bore pit would also need to be placed outside of the tree root protection zone, pushing the excavation even farther downhill.

Alternative 5 - Outfalling directly to the river via existing outfall on neighboring property to the east. Manhole located on subject property: Another alternative that was analyzed was placing the manhole on the subject property west of the existing outfall (to avoid tree removal). From the manhole, a 15" main would route SE to the existing 10" main, and then the outfall pipe would be upgraded to 30". In order to utilize the existing outfall location (thus avoiding the conflicts stated in point #2) a manhole would still be required along the existing 10" pipe. Not only to intercept the connecting 45-degree pipe, but also to transition from the existing 10" pipe to the 30" outfall upgrade. Although the tree would be avoided, the manhole would be located in the C-Zone and would be close to the top of bank, which BES Maintenance took issue with. Additionally, there is an existing dredging pipe located on the subject property just west of the proposed outfall. An easement was granted to the owner by the subject property to maintain the piping. The configuration mentioned above could conflict with the dredging pipe easement. If the dredging pipe were to be moved, it would create additional disturbance to the C-Zone.

In summary, Alternative 4 was deemed the most feasible in terms of constructability, least harmful impacts to the C-Zone, and most importantly meets BES requirements.

Staff Findings, continued: Initially, staff was not in agreement with the assessment above, particularly with Alternative 3. The reason for staff's lack of concurrence with Alternative 3 was that the preferred alternative is resulting in the loss of a large Black cottonwood tree and initial surveying and site plans showed that tree just within the e-zone (see Exhibit G.3.c). The location of the e-zone along the Oregon Channel is 25 feet landward from top-of-bank. The applicant and his team were not confident that the original survey had been conducted based on the current definition and measurement methodology for top of bank in zoning code chapters 33.910 & 33.930. They requested that they be able to re-survey with a new company more familiar with the current definition and measurement methodology in order to verify the tree's location in relation to top of bank. Staff agreed, provided that the surveyor submit documentation of their methodology to verify its conformance to the definitions and measurements chapters of the zoning code. The surveyor's updated topological survey and narrative (Exhibit A.7.c), utilizing the aforementioned zoning code methodology, determined that the tree is approximately 30 feet from top of bank. As such it is outside of the e-zone and not subject to consideration within the provisions of 33.430. With the tree removed from consideration regarding impacts to resources and functional values, staff removed their objection to the preferred alternative.

Finally, though not clearly addressed in the applicant's alternatives analysis, the preferred alternative will result in no removal of trees 6" or greater in diameter in the environmental overlay zone, those of a lesser diameter are not subject to the tree removal standards of 33.430.180.

Based on the above Alternatives Analysis provided by the applicant and as supplemented by staff's findings, *this criterion is met.*

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

Findings: The applicant's narrative provides a construction management plan that details how trenching and installation of the outfall pipe will be conducted. Per the narrative:

The outfall pipe will be installed within the limits of temporary disturbance necessary for outfall construction. As described in the response to 33.430.240.B.2, the Construction Management Plan (CMP) for the project (Figure 6) includes the installation of construction fencing and staked sediment fences that will serve as construction barriers. Fencing will form a continuous barrier along areas that will remain undisturbed. Contractors will be instructed to stay within designated access, staging, and work areas, within construction fencing. In this way, areas that remain undisturbed will not experience detrimental impacts on resources and functional values. (Exhibit A.7.a, page 27)

The staging area is proposed north and outside of the e-zone (see Exhibit C.2). The temporary disturbance area has been increased to 14 feet wide to allow for a less constrained maneuvering area for workers on foot to move around each other and the equipment. Staff takes no exception to the increased width of the temporary disturbance for the following reasons:

1. The area will only be occupied by workers on foot, no machinery is proposed beyond that of the 11.5-foot wide excavator itself, which will be centered on the trench. It is a size that allows for reasonable accommodation for maneuvering of all project equipment and worker needs.
2. Vegetation in the area is sparse groundcover or nuisance species; no trees or arborescent shrubs will be impacted as the work is outside of the root protection zones of trees in the vicinity (Exhibits A.5.c, G.3.a and G.3.b).
3. Doing so has little negative impact on vegetation, as noted above, while increasing the total area that will be replanted, and in this case enhanced, through the planting plan. Enhancements include the planting of a more diverse palette of native groundcovers and shrubs and the removal of nuisance species from the area.

The applicant's construction management plan, along with staff's observations noted above demonstrate how the proposed work will not significantly and negatively impact areas to be left undisturbed.

The first work will be the implementation of the erosion control plan, which includes installing orange construction fencing and staked sediment fences. Generally, the "Temporary Disturbance Area" line corresponds to the location of orange construction fencing, which also serves as tree protective fencing. The construction fencing continues around the proposed trenching/boring area and temporary disturbance area needed to install the outfall. These erosion control features will be installed by hand (no mechanized equipment or vehicles will be used) and as such, vegetation disturbances are expected to be minimal. Following installation of the erosion control features, construction access into the area will be limited to only necessary work movement until project construction is complete and the orange construction fencing, and erosion control measures are removed by hand. Once sediment fencing and construction fencing are in place, no activities will be permitted to occur beyond these construction barriers...contractors will be instructed to stay within designated staging and work areas, within the staked limits of disturbance designated by the construction fencing, and outside of the tree root protection zone of the trees to remain. Tree RPZ signage and/or other access restriction signage will be placed in a prominent location along the construction fence near the trees to remain.

Staff noted that the arborist report shows prescriptive 6-ft tall chainlink tree protection fencing in addition to the construction and erosion control fencing.

Staff asked for clarification about the two kinds of fencing in close proximity to each other and received the following response via e-mail:

In addition to the described containment of the temporary disturbance area there will be an additional 8-foot chain link tree protection fencing barrier approximately 6 feet west of the disturbance area. The lower height of the construction and silt fencing will isolate the excavation work while providing the equipment operator maneuverability for the boom and bucket of the machine as well as a safe method of egress in case of emergency during operation. It would be a safety hazard to pin the operator inside of an 8-foot chain link fence and the 8-foot fence would not allow the excavator an adequate swing radius.

Staff takes no exception to this approach, including if the height of the chainlink is reduced to the prescriptive 6-ft. Staff also notes that the placement of the large rocks that will compose the rip-rap by an excavator will benefit from the fencing configuration for the same reasons listed above.

In addition to the above measures to avoid impacts outside of the designated disturbance areas, the arborist report includes measures to protect two multi-stem Black cottonwoods near top of bank on the property to the east, just beyond the easement. According to the final arborist report (Exhibit A.5.c), these trees are growing on the edge of a natural steep slope, with the land west of them 15 feet below the edge of the bank,

...hence the roots are below the trees and to the east as opposed to the west (see Appendix 7 for snapshot of nearby topography and site reference photographs). As such, no root conflicts are expected with the installation of the outfall. Since these trees are in an environmental zone, they will be protected with tree protection fencing that begins at an existing chain link fence on the neighbor's property and will extend south to the top of the bank.

Combined, the measures described above will ensure that there will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

With conditions requiring that the measures noted above will be implemented, *this criterion will be met.*

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

Findings: The unavoidable impacts from the project include 96 square feet of permanent disturbance and 9 cubic yards of soil removal for the balanced cut and fill requirement for the rip-rap at the outfall, 280 square feet of temporary disturbance in the resource area and 358 square of temporary disturbance in the transition area to excavate and install the pipe that conveys stormwater to the outfall and for the machinery needed to access and place the rocks that will compose the rip-rap pad.

Per the applicant's narrative (Exhibit A.7.a, pg 25): The functional values present within the project area include fish and wildlife habitat, habitat connectivity / movement corridor, and water quality. Given the existing extent of disturbance caused by N. Tomahawk Drive, extensive in- and over-water structures, and the surrounding development, the detrimental impacts associated with the proposed stormwater outfall and riprap pad will be relatively small and are not expected to result in functional value reductions. In addition, the proposed site restoration and mitigation

plantings will ensure that the functional values will be maintained or improved within the project site.

Staff agrees that significant impacts on the limited resources and functional values within the e-zone are minor at most. No trees are proposed for removal within the environmental zone and tree protection measures designed by the project arborist will be in place (see Exhibit A.5.c). The planting plan and removal of nuisance species will not only compensate for any detrimental impacts, but will improve the site beyond its current condition.

As noted in the *Environmental Resources* section on pages 3 and 4 of this document, resources at the subject site and specifically in the project area for the outfall are severely degraded by a lack of diversity and a preponderance of nuisance species. The planting plan includes 191 native shrubs and 510 native groundcovers to be planted in the temporary disturbance area after completion of the outfall and pipe installation, as well as 30 native shrubs at the rip-rap outfall pad and an additional 30 native shrubs in a 100 square foot area outside the temporary disturbance to mitigate for the permanent disturbance of the rip-rap pad (Exhibit C.3). Removal of all Nuisance species will be required within 10 feet of all planting areas and all bare soils are proposed to be seeded with a native grass seed mix.

As noted, the seed mix proposed on the Planting Plan is exclusively native grasses. As is commonly noted in scientific literature, there is concern about declining pollinator populations and its affect on ecological health and angiosperm reproduction. A 2001 report by the US Forest Service and the Bureau of Land Management titled, *Invertebrates of the Columbia River Basin Assessment Area*, documents the importance of pollinators in the area and the need to provide these important creatures with more food source opportunities (Exhibits G.4, a,b, and c). As such, staff finds that the proposed seed mix needs to be revised to include a minimum 20% native flowering species seed.

With a condition requiring implementation of the planting plan, revised to include flowering species in the seed mix, and nuisance species removal, *this criterion will be met.*

d. 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

Findings: The mitigation will occur on the same site as the proposed development. Therefore, *the criterion is met.*

e. 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: As noted in the neighborhood comments section above, the applicant is under contract to purchase the site, including the portion of the mitigation area not within the easement, from its current owner Columbia Crossings LLC. Those mitigation and planting areas that will be located within the easement will need to be maintained with the cooperation of the Bureau of Environmental Services.

With a condition requiring that the applicant provide, prior to issuance of a zoning permit for mitigation plantings, proof of ownership of the mitigation area on-site and a recorded legal document allowing long-term maintenance of the mitigation plantings within the easement to the City of Portland, *this criterion will be met.*

3. Rights-of-way, driveways, walkways, outfalls, and utilities;

a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least

significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

Findings: The proposed stormwater outfall is not within the resource area of an environmental protection zone. Therefore, this criterion is *not applicable*.

b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

Findings: Per the applicant's narrative,

Because the new outfall will convey properly treated storm flow and the receiving waterbody (the Oregon Slough/Columbia River) has adequate capacity, significant detrimental impacts on water bodies for the migration, rearing, feeding, or spawning of fish will not occur. The project will require impacts to the Oregon Slough below the mapped OHWL [Ordinary High Water Line] through the installation of a new riprap pad at the stormwater outfall, which complies with the Standard Local Operating Procedures for Endangered Species (SLOPES V) by the U.S. Army Corps of Engineers (Corps), 20155. The riprap pad will be planted according to the standards of 33.430.180.I, as shown on Figure 7 [Restoration Plan, Exhibit C.3].

As the applicant's narrative indicates, the project has been reviewed for compliance with Federal regulations to protect endangered species, particularly salmonoid species that live and migrate through the region. As noted above, the stormwater will be directed to on-site facilities to filter/control flow and the rip rap pad and planting serve to dissipate the outflowing water's energy and prevent erosion. Furthermore, as noted in BES' response (Exhibit E.1), the on-site stormwater facilities are designed to treat stormwater and remove pollutants in accordance with the SWMM. Vegetation in these planters "can filter, trap and store excess nutrients such as nitrogen and phosphorus found in fertilizers, and pollutants such herbicides and industrial chemicals that are carried in surface water."

In meeting the water quality requirements of the federal, state, and local agencies responsible for regulating water quality and protecting fish habitat, the applicant has demonstrated that, along with the stormwater facilities that will be reviewed for compliance with said requirements at the time of building permit, *this criterion is met*.

c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

Findings: The proposed location of the outfall does not cross any waterbodies. Therefore, *this criterion is met*.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to replace an existing 10-inch stormwater outfall with a new 30-inch outfall in order to direct treated stormwater associated with a large apartment complex and parking lot that are proposed at the site and currently under review for building permit. The new 30-inch outfall will be installed by trenching, using one piece of heavy equipment and

work by hand. A rip-rap pad will be installed at the end of the outfall for energy dispersion and to prevent erosion.

The storm infrastructure from the proposed development area will be constructed within an existing easement (Easement 9671, Columbia River Yacht Club) that contains a Bureau of Environmental Services-owned storm gravity main (STMN ANK895 to ANK896). The proposed project will incorporate stormwater conveyance from this existing storm gravity main. The outfall is sized to provide future stormwater management from the site to the east that is burdened by the easement as well as for a portion of Tomahawk Island Drive. The outfall will be publicly-owned and maintained by the Bureau of Environmental Services.

The project will result in 96 square feet of permanent disturbance and 9 cubic yards of soil removal for the balanced cut and fill requirement for the rip-rap at the outfall, 280 square feet of temporary disturbance in the resource area and 358 square of temporary disturbance in the transition area to excavate and install the pipe that conveys stormwater to the outfall and for the machinery needed to access and place the rocks that will compose the rip-rap pad. No trees with diameters 6-inches or greater will be removed within the e-zone.

Mitigation for the disturbance includes a planting plan with 191 native shrubs and 510 native groundcovers to be planted in the temporary disturbance area after completion of the outfall and pipe installation, as well as 30 native shrubs at the rip-rap outfall pad and an additional 30 native shrubs in a 100 square foot area outside the temporary disturbance to mitigate for the permanent disturbance of the rip-rap pad. Nuisance species removal will precede and accompany all planting.

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

ADMINISTRATIVE DECISION

Approval of the replacement of existing 10-inch stormwater outfall with a 30-inch outfall that will be owned and maintained by the Bureau of Environmental Services. The replacement includes:

- 280 square feet of temporary disturbance in the resource area and 358 square of temporary disturbance in the transition area for the trenching by heavy machinery to remove the old 10-inch stormwater outfall pipe and to install the new 30-inch pipe;
- Removal of approximately 9 cubic yards of soil at the location of the rip-rap pad to comply with balanced cut and fill requirements in the flood hazard area;
- 96 square feet of permanent disturbance for the Installation of a rip-rap pad at the end of the outfall.
- The removal of nuisance species from within 10 feet of all areas to be planted for mitigation and restoration;
- The replanting of the rip-rap pad, temporary disturbance areas, and designated mitigation area with native shrubs and groundcover.

All work associated with the installation of and mitigation for the outfall and rip-rap pad shall be in substantial conformance with Exhibits C.1 through C.3 and Exhibit A.5.c. Approval is subject to the following conditions:

- A. A BDS Zoning Permit is required for inspection of required mitigation plantings, tree protection fencing and disturbance area delineation fencing.** A separate BDS construction permit is required for private development and a BES Public Works permit is required for development of the outfall. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, Public Works etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 21-0166628 EN, Exhibits C.1 through C.3 and Exhibit A.5.c.***

- **Building Permits shall not be issued until the BDS Zoning Permit is issued.**
- **Building Permits shall not be finalized until the BDS Zoning Permit is finalized.**

- B.** Prior to any ground disturbing activities associated with the installation of the new 30-inch outfall and rip-rap pad, the limits of disturbance shall be delineated with construction and silt fencing. Tree protection fencing shall be installed as recommended by the project arborist in the locations noted on pages 4 and 15 of Exhibit A.5.c. The project manager shall meet with and instruct the contractor and work crew that access beyond the limits of disturbance, as delineated by the construction and silt fencing, is not allowed and can result in an Environmental Violation Review.
- C.** Prior to issuance of the BDS zoning permit, the applicant shall provide proof of ownership of the mitigation area on-site and a recorded legal document allowing long-term maintenance of the mitigation plantings within the easement to the City of Portland.
- D.** The BDS Zoning Permit must include a mitigation planting plan for a total of 580 native groundcovers, 300 native shrubs, and native seed mix, in substantial conformance with Exhibit C.3, excepting that at least 20% of the seed mix shall be native flowering plants in order to provide food for native pollinators.

Any plant substitutions shall be selected from the *Portland Plant List*, and shall be substantially equivalent in size and type to the original plant.

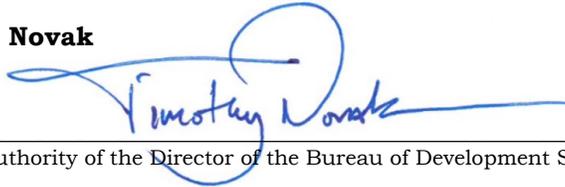
1. Permit plans shall show and demonstrate compliance with the following:
 - a. The location of the shrubs and groundcovers required by this condition to be planted in the mitigation area and labeled as “new required landscaping”. The plans shall be to scale, and shall illustrate a naturalistic arrangement of plants and should include the location, species, quantity and size of plants to be planted.
 - b. The species composition of the native seed mix to applied to all exposed soils in the project area. A minimum of 20% of the seed composition shall be native flowering species.
 - c. The applicant shall indicate on the plans selection of either tagging plants for identification or accompanying the BDS inspector for an on-site inspection.
 2. Plantings shall be installed between October 1 and March 31 (the planting season). All plantings shall be done with no more than hand-held equipment.
 3. Prior to installing required mitigation plantings, non-native invasives, including Himalayan blackberry, shall be removed from all areas within 10 feet of mitigation plantings. Nuisance species removal within the root protection zone of trees to be preserved and protected shall be done only with hand-held equipment. Use of herbicides for nuisance species removal is prohibited.
 4. After installing the required mitigation plantings, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.
 5. All mitigation and remediation shrubs shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the project location to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.
- E.** The landowner(s) of the primary subject site (currently owned by Columbia Crossings, LLC) shall maintain all required plantings to ensure survival and replacement. They are responsible for ongoing survival of required plantings during and beyond the designated

two-year monitoring period. After the 2-year initial establishment period, the landowner of the primary subject site shall:

1. Obtain a Zoning Permit for a final inspection at the end of the 2-year maintenance and monitoring period. The applicant shall arrange to accompany the BDS inspector to the project location to locate mitigation plantings for inspection. The permit must be finalized no later than 2 years from the final inspection for the installation of mitigation planting, for the purpose of ensuring that the required plantings remain. Any required plantings that have not survived must be replaced.
2. All required landscaping shall be continuously maintained, by the landowner of the primary subject site in a healthy manner, with no more than 15% cover by invasive species. Required plants that die shall be replaced in kind at a ratio of one to one; any increase in plant quantity as a result of natural propagation can be counted towards the total surviving specimens.

F. 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: Timothy Novak



Decision rendered by: _____ **on December 16, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 20, 2021

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 July 14, 2021, and was determined to be complete on August 13, 2021.

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 July 14, 2021.

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 84 days (Exhibits A.11.a through A.11.d). Unless further extended by the applicant, **the 120 days will expire on: March 5, 2022.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on January 3, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 3, 2021** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative and Plans (07/14/2021)
 - 2. 08/13/2021 Submittals
 - a. Narrative
 - b. Plans, revised
 - c. Drainage Report
 - d. Tree Protection Plan (arborist report)
 - 3. 08/31/2021 Submittals
 - a. Stormwater Report
 - b. Tree Protection Plan, revised
 - 4. Outfall Alternatives
 - 5. 10/07/2021 Submittals
 - a. Applicant Response to neighborhood and reviewer comments
 - b. Outfall Alternatives, revised
 - c. Tree Protection Plan, revised 2
 - 6. Narrative, revised (10/29/2021)
 - 7. 11/10/2021 Submittals
 - a. Narrative, revised 2
 - b. Plans, revised 2
 - c. Surveyor's letter re: top of bank and location of tree
 - 8. Plans, revised 3 (*These plans individually comprise the C-Exhibits*)
 - 9. E-mail regarding max area a 4-inch outfall could serve at the site (12/2/2021)
 - 10. Addendum to Narrative for construction of rip-rap pad (12/7/2021)
 - 11. Requests to Extend 120-day review period, signed
 - a. 28 days (09/16/2021)
 - b. 28 days (10/18/2021)
 - c. 14 days (11/5/2021)
 - d. 14 days (11/17/2021)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Construction Management Plan
 - 3. Restoration (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. Fire Bureau
 4. Site Development Review Section of BDS
 5. Life Safety Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Greg Ware (9/7/2021) gware@pnca.edu
 2. Nathan Rebman (9/8/2021) NRebman@swinerton.com
 3. Mike Olson (9/8/2021) Mike.Olson@marketexpress.com
 4. Steve Vanier (9/8/2021) stephencharlesvanier@gmail.com
 5. Judith Dauchy (9/8/2021) jadauchy@me.com
 6. Rob Lewis (9/8/2021) roblewismd@sbcglobal.net
 7. Hayden Island Neighborhood Network (HINooN) (9/8/2021) slapikasm@gmail.com
 8. John Vecchio (9/8/2021) johnj.vecchio@gmail.com
 9. Jon Fuelleman (9/7/2021) jon@fuelleman.com
 10. Rick Soberanis (9/8/2021) soberanisrick@gmail.com
 11. Judy Soberanis (9/8/2021) jusobey@yahoo.com
 12. Susan Rogers (9/9/2021) svrogersrn@gmail.com
- G. Other:
1. Original LU Application
 2. Incomplete Letter
 3. Photos of project area (taken by staff on 09/01/2021)
 - a. Landward of top-of-bank
 - b. Below top-of-bank
 - c. Survey marker at tree
 4. Materials on importance of Pollinators
 - a. USFS/BLM Report June, 2001; *Invertebrates of the Columbia River Basin Assessment Area*
 - b. Pollinator Partnership/North American Pollinator Protection Campaign; *Selecting Plants for Pollinators – A Regional Guide for Farmers, Land Managers, and Gardeners in the Pacific Lowland Mixed Forest Province*
 - c. Port of Portland, July 3, 2017; *PORTCURRENTS – Have you helped a Pollinator Today?*
 5. *Industrial and Environmental Mapping Project for Columbia Corridor 2. Inventory (1988)*
 6. Summary Notes for EA 20-152959

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).