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

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Date: July 12, 2022

To: Interested Person

From: Morgan Steele, 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 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 21-058984 ENM TR

GENERAL INFORMATION

Applicants: Ken Barnhart | Prologis
4380 S Macadam Avenue, Suite 285 | Portland, OR 97239

Owner/Agent: Terry Bendrick | Prologis-Exchange 6400 SE 101st LLC
1800 Wazee Street, #500 | Denver, CO 80202

Party Of Interest: Matthew Robinson | Dowl
720 SW Washington Street, Suite 750 | Portland, OR 97205
(971) 280-8641 | mrobinson@dowl.com

Site Address: 6400 SE 101ST AVENUE (Freeway Lands)

Legal Description: BLOCK 4 INC PT VAC STS LOT 1-10 LAND & IMPS SEE R624825 (R022400261) FOR MACH & EQUIP, AMBOY; BLOCK 7 TL 6501, MCKINLEY PK; BLOCK 11 TL 6502, MCKINLEY PK; BLOCK 11 TL 6500 SPLIT MAP R215713 (R551002240), MCKINLEY PK; BLOCK 11&12 TL 5100 SPLIT MAP R215712 (R551002230), MCKINLEY PK; TL 100 70.21 ACRES LAND & IMPS SEE R606684 (R992222591) FOR MACH & EQUIP SPLIT MAP R336871 (R992222590), SECTION 21 1S 2E; TL 3200 19.55 ACRES, SECTION 22 1S 2E; TL 100 7.58 ACRES SPLIT MAP R336673 (R992211480), SECTION 22 1S 2E

Tax Account No.: R022400260, R551001570, R551002140, R551002230, R551002240, R992211480, R992221570, R992222590

State ID No.: 1S2E21AA 02100, 1S2E16DD 06501, 1S2E16DD 06502, 1S2E16DD 06500, 1S2E15CC 05100, 1S2E21A 00100, 1S2E22BB 03200, 1S2E22BC 00100

Quarter Section: 3740,3741,3840,3640,3641

Neighborhood: Lents, contact at lentsneighborhood@gmail.com
Business District: Lents Business Association, contact lentsgrown@gmail.com.
District Coalition: East Portland Community Office, contact at info@eastportland.org.

Plan District: Johnson Creek Basin

Other Designations: *Johnson Creek Basin Protection Plan* – Resource Site 14; 100-Year Floodplain

Zoning: *Base Zone*: General Employment 2 (EG2)
Overlay Zones: Buffer (b), Environmental Conservation (c), Environmental Protection (p)

Case Type: ENM TR – Environmental Review, Environmental Modification Review, & Tree Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant is proposing redevelopment of the 99-acre Freeway Lands industrial site located in Southeast Portland near the intersection of SE Foster Road and SE 101st Avenue. The development proposal includes warehouse buildings and associated development such as parking, access road widening, stormwater management facilities, and stormwater outfalls. The applicant also proposes the installation of a new bridge over Johnson Creek adjacent to the existing bridge for safer ingress and egress. In addition to the industrial development and its components, the applicant proposes resource enhancement adjacent to Johnson Creek in the form of floodplain restoration. The man-made earthen berm will be removed from the banks of the creek to help restore the historic floodplain and to compensate for proposed fill in the floodplain in other portions of the site.

The proposed development at the site, for all components, will permanently disturb a total of 28,732 square feet of the Environmental Conservation and Environmental Protection overlay zones. The proposal will further impact natural resources by requiring the removal of 111 trees (1,301 inches total diameter breast height [dbh]). To mitigate for these impacts and to restore the floodplain, the applicant is proposing to install native plantings consisting of 5,610 trees, 11,012 shrubs, and 36,358 groundcovers covering a total of 288,191 square feet throughout the entirety of the site.

The site is within the City's Environmental Conservation and Environmental Protection overlay zones. Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, multiple development standards for the general development, stormwater outfalls, and resource enhancement are not met by the proposal. For this reason, an Environmental Review is required. The applicant further seeks to modify the base zone development standard for pedestrian access (33.140.240) and as such, an Environmental Modification Review is required. Further, tree removal is proposed outside the Environmental Zones but within the Johnson Creek Basin Plan District and therefore standard 33.537.125.C is not met. For this reason, a Tree Review is also required.

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

- **33.430.250.A – Outfalls, Driveways**
- **33.430.250.B – Resource Enhancement**
- **33.430.250.E – Other Development**
- **33.430.280 – Modifications**
- **33.853.040.A – Trees in the Johnson Creek Basin Plan District**

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. This application was submitted on June 21, 2021 and determined to be complete on September 27, 2021.

ANALYSIS

Site and Vicinity: The Freeway Lands Industrial site (site) consists of eight tax lots totaling approximately 99 acres generally located east of I-205, south of the Springwater Corridor Trail, and north of SE Knapp Street (a local service street). Access to the site is provided from SE 101st Avenue, via a private roadway located within a private access easement, which includes a single bridge crossing over Johnson Creek. Three vacated roadways are located within the site, including SE 97th Avenue, SE 100th Avenue, and SE 101st Avenue. A secondary driveway provides access from SE Knapp Street to the southern portion of the site.

The site's elevation ranges from approximately 200 to 230-feet, with most of the elevation change occurring at the slope on the southern edge of the site adjacent to SE Knapp Street. Johnson Creek, a tributary to the Willamette River, bisects the northern portion of the site while flowing east to west. As a result, the site is partially within the special flood hazard area. The creek exits the site's northwest corner before running south and crossing under I-205. Multiple wetlands are also present within the site.

Numerous trees of varying species and size are located throughout the site, but are more heavily concentrated adjacent to Johnson Creek, along the site's frontage with SE Knapp Street, and along the site's eastern boundary. The interior of the site is generally free from trees and vegetation due to existing development. A tree table, identifying the site's existing trees, can be found in Exhibit A.5.

The site is currently used for a variety of industrial and employment uses including manufacturing, asphalt production, and equipment storage. Multiple existing buildings and structures are located throughout the site, generally located adjacent to the existing private roadway (vacated SE 100th Avenue). The northeast and southeast portions of the site contain fewer structures and are more heavily used for outdoor storage, material stockpiling, and parking. The site's existing structures are likely to be demolished in the future to facilitate the site's complete redevelopment. The site abuts a variety of uses and zoning designations including open space to the north, south, east, and west, residential to the south and east, and employment to the south and east.

Zoning: The zoning designation on the site includes the General Employment 2 (EG2) base zone with the Buffer (b), Environmental Conservation (c), and Environmental Protection (p) overlay zones all within the Johnson Creek Basin Plan District (see zoning on Exhibit B).

The General Employment 2 base zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. These provisions are generally met by the proposal except the Pedestrian Access standard for which the applicant is seeking an Environmental Modification through this review.

The Buffer overlay zone is intended to provide additional buffering between nonresidential and residential zones. The regulations of this overlay zone are generally met by the proposal and will be reviewed at the time of permit review.

The 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 the Environmetnal Review is to ensure compliance with the regulations of the Environmental Zones.

The Johnson Creek Basin Plan District provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5. The purpose of the Tree Review is to ensure compliance with the purpose of the Plan District regulations.

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 falls within Resource Site 14 in the *Johnson Creek Basin Protection Plan* (Plan). Resource Site 14 covers 121 acres and includes significant resource values of water, storm drainage, fish and wildlife habitat, pollution and nutrient and sediment removal, sediment trapping, and interspersion.

In the Plan, there are six "Management Recommendations" for this site.

These recommendations are:
1. Retain the forested slope along the southern site boundary to provide a backdrop for future development;
2. Consider enhancement of the drainageway on the southern boundary at the foot of the slope…;
3. Consider incorporating stormwater detention or retention facilities throughout future development as amenities such as ponds, wetlands, or open lawns or fields;
4. Establish a forested riparian strip along the creek for both wildlife and to increase the visual presence of the waterway;
5. Use the creek corridor as a major unifying design element for the entire site; and
6. Protect and enhance the wetland in the northwest corner to serve as a refuge for wildlife and a gateway feature for drivers entering Portland along I-205.

The completion of this project will help achieve five of the six recommendations.

Applicant's Statement: The applicant offers the following information regarding the purpose and need of the project.

The purpose of this proposed development is to effectively redevelop an approximately 99-acre site within the City of Portland's (City) General Employment 2 (EG2) base zone to provide a modern, marketable, resilient, and efficient industrial real estate space. The proposed redevelopment will enhance approximately 15 acres of modern, leasable yard space and provide approximately 870,000 square feet of leasable industrial space spread across three Class-A industrial buildings. Per a 2018 report prepared by Colliers International, traditional warehouse employment density is approximately one employee per 2,000 square feet and e-commerce fulfilment centers are as high as one employee per 700 square feet. The site's redevelopment could, therefore, result in an increase of as many as 1,200 jobs given the site's likely future use for e-commerce fulfilment and rapid delivery management, which is approximately seven times greater than the site's current provided employment. This is consistent with the EG2 zone's goal of supporting economic viability, industrial redevelopment, job growth and job diversity throughout the city.

Impact Analysis and Mitigation Plan: The following discusses development alternatives that were considered by the applicant. The following additionally describes the proposed construction management plan, unavoidable impacts, and mitigation proposal.

Development Alternatives: The applicant provided an in-depth alternatives analysis included in the application case file (Exhibit A. 4) and for the sake of brevity is summarized below.

Johnson Creek Bridge Crossing: The purpose and need of the proposed bridge is to provide a more efficient and safer vehicular and truck access to the site. Alternatives that were explored include the following:

1. New Bridge Structure Adjacent to Existing Bridge Structure (preferred alternative) – The preferred alternative proposes a new bridge crossing immediately west of the existing bridge crossing and provides a span of approximately 60-feet and a deck width of 30-feet, providing an adequate and safe width for increased truck and freight traffic into the site. The existing bridge will be retained. This location was selected as it would result in the smallest impact area of any other possible alignments. Due to the location of the existing bridge, this area is the narrowest location of p zone along Johnson Creek within the site, meaning a 60-foot span can easily cross the Environmental Protection overlay zone without resulting in temporary or permanent impacts to the resource area. This location also contains less dense vegetation and necessitates only minimal amounts of native tree removal. This alternative is practicable, results in the least impact on resource and functional values and would meet the project's purpose and need by providing more efficient and safer vehicular and truck access to the site.
2. Bridge Alignments at Alternate Locations – Alternative alignments for an additional bridge crossing were considered that would cross Johnson Creek at other locations east of the preferred alternative. While alternative alignments are considered practicable and could meet the project's purpose and need by providing more efficient and safer vehicle and truck access to the site, they would ultimately result in a greater impact on resource and functional values due to the crossings occurring in a wider area of the Environmental Protection overlay zone that has been previously undisturbed. Therefore, it is not the alternative that best meets the applicable approval criteria.

3. Bridge Type and Construction Methods – The preferred bridge type, a pre-cast pre-stressed concrete panel bridge, has been chosen to reduce impact to the resource area during construction. A box-culvert type bridge was also studied, and while practicable for the site's identified purpose and need, would result in permanent impacts to resource area of the Environmental Protection overly zone, which can be avoided with the preferred alternative that utilizes a pre-cast pre-stressed concrete panel bridge.

Stormwater Management Facilities: The purpose and need of the proposed stormwater management facilities is to meet Hierarchy Level 2B using the City's 2020 Stormwater Management Manual (SWMM), providing both detention and treatment measures to onsite stormwater. Alternatives that were explored include the following:

1. Stormwater Management Facilities Adjacent to Johnson Creek (preferred alternative) – The preferred alternative planter basin facilities are largely adjacent to Johnson Creek and within the Environmental Conservation overlay zone. These facilities have been designed to treat stormwater runoff from the site's impervious areas before being discharged into Johnson Creek via six 18-inch outfalls. The planter basin facilities are not proposed to be fenced and will utilize native plantings and soils in their design, providing greater integration with the undisturbed areas adjacent to the creek, and a more natural transition from the site's industrial uses to the resource areas.

   This alternative is practicable and provides additional benefits such as greater flood storage capacity for the site and the ability to treat receding floodwaters. While this layout results in temporary and permanent impacts to the Environmental Conservation overlay zone, the planter basin facilities are proposed to utilize native plantings and soils, minimizing their impact, and providing for greater integration with the natural areas adjacent to Johnson Creek. Locating the stormwater management facilities in this location is also consistent with the project purpose by facilitating use of the EG2 zoned areas of the site that do not have an environmental overlay for more intensive uses. Therefore, it is the alternative that best meets the applicable approval criteria.

2. Environmental Conservation Resource Area Avoidance – This alternative analyzed a scenario in which the proposed stormwater planter basin facilities are limited to just the transition area only. Like the preferred alternative, these facilities would be located adjacent to Johnson Creek, providing for both treatment and detention consistent with Hierarchy 2B of the City's 2020 SWMM. This alternative was determined to not be practicable when considering the resulting impacts to the site layout, specifically the site's buildable area and the site's circulation patterns. These resulting changes to the site layout are not compatible with the identified purpose and need of the project as previously described. Therefore, as discussed below, complete avoidance of the c zone resource area in this part of the site is not the alternative that best meets the applicable approval criteria.

3. Revised Site Layout – This alternative proposes options that would relocate stormwater treatment and detention facilities to other locations of the site while meeting the identified purpose and need of the project by continuing to provide minimum building sizes, minimum depth truck courts, adequate trailer parking stalls, vehicle parking, safe circulation, and truck staging and queuing areas. Locating the stormwater management facilities away from the creek would not result in necessary grading that provides additional flood storage capacity for the site. These facilities would also not be able to treat receding floodwaters during certain flood events. Locating these facilities away from the creek also results in a less natural buffer between the site's more intensive uses and the resource areas; locating these more intensive uses adjacent to the resource areas would likely result in greater unintended impacts, such as light pollution and fumes from idling trucks. Therefore, it is not the alternative that best meets the applicable approval criteria.

4. Complete Environmental Conservation Overlay Zone Avoidance – As previously described in the project's purpose and need and in the market analysis (Exhibit A.7), larger industrial buildings that can provide inventory and trailer storage on-site are in short-supply throughout the region. While this alternative would result in less permanent impacts to the site's resource areas, it would result in a less efficient use of the EG2 zoned areas of the site that do not have an Environmental Zone for project elements that allow the site to fill a city need as e-commerce and rapid delivery demands continue to grow in importance, which ultimately does not meet the project's purpose and need. Therefore, this alternative was determined not to be practicable.

Stormwater Outfalls: Alternatives to the proposed location and number of stormwater outfalls that would also adequately discharge the site's stormwater runoff to Johnson Creek were considered, including:

1. Six Discharge Points (preferred alternative) – This alternative analyzed the use of six 18-inch stormwater outfall discharge points at various locations along Johnson Creek. Stormwater runoff would be treated in the six stormwater management planter basins prior to being discharged into the creek. This alterative results in 457 square feet of temporary impacts and 1,220 square feet of permanent impacts to the Environmental Protection overlay zone, and 504 square feet of temporary impacts and 266 square feet permanent impacts to the Environmental Conservation overlay zone.

   Providing six outfall discharges would eliminate the need for mass grading required to facilitate gravity flow to a larger single discharge point, as well as additional cuts that would be necessary to provide balanced cut and fill within the base flood elevation required per Title 24.050.060 to maintain adequate flood storage for the site. This option also provides a viable gravity conveyance method for stormwater, which is preferred by BES per the City's 2020 Sewer Design Manual as opposed to a local pump system. This alternative also allows for the implementation of the preferred alternative for the stormwater management planter basin facilities, allowing their location immediately adjacent to Johnson Creek while also providing additional flood storage capacity for the site. Therefore, it is the alternative that best meets the applicable approval criteria.

2. Single Discharge Point – This alternative analyzed a single outfall discharge point to Johnson Creek. This alternative would require that the entire site convey stormwater runoff to a single discharge point in the southwest corner of the site, the lowest possible discharge point into Johnson Creek. Stormwater runoff would need to be adequately treated before being discharged to Johnson Creek, requiring a single vegetated stormwater planter basin or other facilities placed throughout the site, prior to the single discharge point. To convey stormwater flows to a single discharge point, two options were considered:

   a. Gravity Flow – In this scenario, stormwater would be conveyed to the single discharge point via gravity. As the site is relatively flat, including the EG2 zoned areas of the site that do not have an environmental overlay where most development is to occur, certain areas would require massive amounts of fill to raise the base elevation to a point where stormwater could gravity flow to the single discharge point. This scenario would require fill to be placed in areas of the site within the base flood elevation of Johnson Creek. Per Title 24 requirements, specifically 24.50.060, balanced cut and fill is required within the base flood elevation, requiring cuts in other areas of the site to maintain adequate flood storage.

      While this option could meet the project's purpose and need, ultimately providing a stormwater conveyance system that meets BES requirements and provides for a modern, marketable, resilient, and efficient industrial real-estate space, it would require Environmental Zone impacts from more intensive uses to allow for planter basin facilities within the encumbered EG2 zoned areas of the site. Additionally, mass grading at the scale required to allow gravity flow would be an enormous cost to the applicant that would likely result in the project not being economically viable.

   b. Local Pump System – A local pump system would eliminate the need for mass grading to raise certain areas of the site to a base elevation that could allow for gravity flow to a single discharge point, and instead provide a series of pump stations to accommodate lower areas of the site being developed, lifting stormwater to an elevation where gravity conveyance could begin. Chapter 3.2.2 of the 2020 Sewer and Drainage Facilities Design Manual (sewer design manual) states that BES prefers sewer facilities operate under gravity flow conditions where practicable, and that a pump system may be considered where existing site conditions make a pump system the only practicable solution available. As described in this section of the alternatives analysis, other practicable solutions exist to provide gravity flow to discharge point(s). While this option could meet the project's purpose and need, ultimately providing a stormwater conveyance system that meets BES requirements and provides for a modern, marketable, resilient, and efficient industrial real-estate space, it would require approval of a variance request through BES to allow for a pump system where gravity options are possible, which may not be approvable.

SE Knapp Street Improvements: Alternatives to the identified need for an adequate secondary access from SE Knapp Street were considered, including:

1. Utilize Existing Access from SE Knapp Street (preferred alternative) – This alternative proposes to use the existing access from SE Knapp Street to comply with necessary Oregon Fire Code requirements for a secondary fire apparatus access, ingress and egress for truck and freight traffic in emergency situations, as well as provide a pedestrian access to comply with EG2 base zone requirements.

As this access already exists, widening this access would result in minimal additional permanent impacts to the Environmental Conservation overlay zone of 8,158 square feet. This access would require a 30-foot paved width (an increase of approximately 10-feet over the current alignment) to accommodate Oregon Fire Code requirements as well as minimum truck turning requirements, as demonstrated in the included truck turning diagrams (Exhibit A.10). A 30-foot paved width allows this access to be utilized for truck and freight traffic ingress and egress in emergency situations where the primary access from SE 101st Avenue isn't available due to unintended closures of the Springwater Corridor Trail.

This alternative is practicable and meets the project's purpose and need to provide a modern, marketable, resilient, and efficient industrial real-estate space by providing adequate emergency and fire apparatus access that is required given the site's anticipated building area. This alternative also meets minimum pedestrian access requirements for the EG2 base zone. As this alternative can utilize an existing access, resulting in a minimal amount of permanent impact as opposed to a completely new alignment, it is the preferred alternative that best meets the applicable approval criteria.

2. New Access from SE Knapp Street – This alternative proposes a new access from SE Knapp Street to comply with necessary Oregon Fire Code requirements for a secondary fire apparatus access, emergency ingress and egress for truck and freight traffic in emergency situations, as well as provide a pedestrian access to comply with EG2 base zone requirements. As the existing access from SE Knapp Street already permanently impacts the c zone, constructing a new access will ultimately result in a greater amount of permanent c zone impacts, which can be avoided with the preferred alternative as described previously. This alternative is considered practicable and meets the project's purpose and need to provide a modern, marketable, resilient, and efficient industrial real-estate space by providing adequate emergency and fire apparatus access that is required given the site's anticipated building area. This alternative also provides for minimum pedestrian access requirements. However, this alternative would result in greater permanent Environmental Zone impacts, including impacts to wetlands, that can be avoided utilizing the existing access from SE Knapp Street. Therefore, it is not the alternative that best meets the applicable approval criteria.

Construction Management Plan: The applicant proposes various measures to limit unintended temporary or permanent disturbances to transition and resource areas of the Environmental Zones, as well as areas beyond the limits of the construction site. Access to the construction site will be limited to identified construction entrances that are graveled and stabilized to prevent sediment from leaving the site, and temporary construction staging and material stockpiling areas will be established as shown; stockpile areas are to be always covered with plastic sheeting both above and below soils, with sediment fencing surrounding the stockpile area.

Erosion control measures will be installed throughout the site as necessary and will include sediment and silt fences at the edges of transition areas, woven inlet and catch basin protection, straw wattles, tree protection fencing, and a concrete truck washout area. Floating sediment curtains are proposed to be utilized below ordinary high water (OHW) to contain any sediment that silt fencing fails to contain.

Unavoidable Impacts: A total of 111 trees, totaling 1,301 inches diameter breast height (dbh) are to be removed in association with the industrial development. Further, the applicant proposes 28,732 square feet of permanent and 1,975 square feet of temporary disturbance in the Environmental Conservation Environmental Protection overlay zones as part of this proposal. Further, a total of 229,184 square feet will be disturbed as part of the resource enhancement work adjacent to Johnson Creek.

Potential short-term impacts from the project include disturbance to wildlife habitat and vegetation. Direct impacts include removal of vegetation, disturbance of ground surfaces, and increased noise. Impacts may also be indirect; degradation of surrounding wildlife habitat may occur due to increased noise and soil erosion. However, these potential short-term impacts would be minimized through the implementation of the BMPs detailed in the Construction Management Plan (described above).

Potential long-term impacts of the industrial development resulting from vegetation clearing, tree removal, and permanent ground disturbance include a reduction in tree canopy cover, shade, microclimate regulation, wildlife refuge, and nesting/brooding areas. However, the applicant is proposing a robust mitigation plan (described below), that will enhance resource values onsite over time and address the temporal loss of habitat functions by compensating for both temporary and permanent impacts.

Mitigation Plan: The applicant provided an in-depth Mitigation Memo (Exhibit A.4) which details how the proposed mitigation will provide functional uplift to the onsite resources and their functional values while compensating for impacts to the Environmental Zones. The Mitigation Plan includes a total of 88,812 square feet of restoration within the Environmental Conservation and Environmental Protection overlay zones. These riparian areas will be revegetated with native species from the *Portland Plant List* with a focus on uplifting the riparian area adjacent to Johnson Creek. All told, the restoration will include the installation of 1,776 trees, 3,552 shrubs, and 12,432 groundcover plants.

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

- LUR 94-00842 ZC EN AD – Approval of a Zone Map amendment to change the Environmental Zone boundary along Johnson Creek and along the south side of the property; approval of an Environmental Review to allow truck parking in the transition area along Johnson Creek; approval of an Adjustment Review to allow removal of trees on the site.
- LU 03-113394 ZC – Approval to amend the Environmental Zone boundaries on the official Zoning Maps.
- LU 06-133094 EN – Approval of an Environmental and Adjustment Reviews for a wetland restoration project that included tree removal.
- LU 07-107636 NE – Approval of a Nonconforming Status Review to confirm legal nonconforming status for existing development within the Environmental Zones. The review was required by a condition of approval from LUR 94-00842 ZC EN AD.
- LU 07-116137 EN – Approval of an Environmental Review for wetland restoration.
- LU 09-137528 EN – Approval of an Environmental Review to modify the Environmental Zone boundaries based on a topographic survey.
- LU 10-194818 CU AD– LUBA approval of City decision to approve a Conditional Use to establish a waste-related use that accepts and processes food waste. Also approves an Adjustment to waive the waste-related location and access requirements.
- LU 11-188353 EN – Approval of an Environmental Review for floodplain restoration and stream enhancement along Johnson Creek (Phase 2).
- LU 12-109183 EN – Approval of an Environmental Review for floodplain restoration and stream enhancement along Johnson Creek (Phase 3).

The current proposal will not interfere with conditions of approval from past land use cases.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed on September 30, 2021. The following Bureaus have responded with no issues or concerns:

- PBOT
- Fire Bureau
- Life Safety
- Urban Forestry
- Portland Parks

The Bureau of Environmental Services responded with the following comment. Please see Exhibit E.1 for additional details.

> *Based on this additional information, BES has determined that sufficient information has been provided to demonstrate that the proposed project will accommodate stormwater management and BES easements and assets, which is reflected in the project's proposed disturbance limits.*
>
> *With the conditions recommended in this memo, BES does not object to approval of the environmental review application. The proposed development will be subject to BES standards and requirements during the permit review process.*
>
> *If the land use application is approved, BES recommends that the following conditions be included in the decision:*

1. The applicant must maintain access across the property for routine and emergency City maintenance activities as granted in an existing Access Easement (recorded in Multnomah County, # 2010-145914). BES understands the proposed development could obstruct the existing Access Easement. At the time of development, one or more of the following, as applicable, must be met prior to the issuance of any permits that propose work in the Easement Area, to the satisfaction of BES:

a. The applicant demonstrates that proposed development activities (including demolition, grading, and/or construction) will not prevent City access as granted in the Access Easement;
b. BES consents in writing to any development activities that prevent City access to the traveled portions of the Easement Area, but that are permissible nonetheless; or
c. The applicant records a new, relocated easement in accordance with the terms of the existing Access Easement.

The Site Development Review Section of BDS responded with the following comment. Please see Exhibit E.5 for additional details.

Based on a review of the revised submittal and clarifications by the applicant's team, Site Development does not object to the proposed land use or site improvements. The proposed limits of disturbance and landscape mitigation do not appear to conflict with Title 24.50 flood hazard requirements or Title 24.70 geotechnical hazard requirements, which Site Development will review for compliance at the time of building permit.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 30, 2021. 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 Environmental Review

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 the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

Findings: The approval criteria applicable to the proposed development include those found Section 33.430.250.A (driveway and outfall) and Section 33.430.250.E (industrial building and associated development). The applicant has provided findings for these approval criteria and BDS Land Use Services staff revised these findings or added conditions, where necessary to meet the approval criteria. The criteria and findings for Subsections A and E are combined where they are similar.

33.430.250 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: Note that since this activity is not a Public Safety Facility, Land Division, Planned Development, or Planned Unit Development and does not require a Property Line Adjustment, the criteria in Sections 33.430.250.A.2 and A.4 do not apply and are not included.

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 the following are met:

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

Findings: The purpose of this criterion is to recognize that some form of development is allowed, consistent with the base zone standards. Impacts of the proposed development are measured relative to the impacts associated with the development normally allowed by the base zone. In this case, the base zone allows the proposed use, warehouse and

manufacturing, by right, without a land use review (Table 140-1). The proposed development being reviewed as part this decision and subject to this criterion (stormwater facilities) is accessory to the proposed primary use and is also allowed within the EG2 base zone.

The EG2 zone is intended to provide for a wide range of employment uses, including industrial uses, which the site is currently in use for and will provide for following its complete redevelopment. The purpose of the proposed stormwater facilities is to adequately treat on-site stormwater flows in conformance with BES' SWMM standards in support of the project's identified purpose and need to provide a modern, marketable, resilient, and efficient industrial real estate space.

In addition, the applicant's proposed redevelopment of the site is consistent with applicable industrial and employment district policies provided within the City's 2035 Comprehensive Plan. Therefore, the proposed stormwater facilities will support the site's future industrial uses resulting from the site's complete redevelopment. These future uses, likely to be a mix of warehouse and manufacturing, are allowed uses in the EG2 base zone and support a wide range of employment opportunities.

The development disturbance has minimized the loss of resources and functional values for development that would be permitted or allowed in the base zone without a land use review in the absence of the Environmental Zones, *and this criterion is met.*

A.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.1.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;

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

Findings: This criterion requires the applicant to demonstrate alternatives were considered during the design process, and that there are no practicable alternatives that would be less detrimental to the identified resources and functional values located onsite. According to the *Johnson Creek Basin Protection Plan* this site is mapped as Resource Site 14. Resources features and functional values identified within Resource Site 14 and generally found at the subject site include water, storm drainage, fish and wildlife habitat, pollution and nutrient and sediment removal, sediment trapping, and interspersion.

The applicant provided an alternatives analysis (Exhibit A.4), for all aspects of development subject to this Environmental Review, that is summarized in this report on pages 4 to 7. The applicant explored multiple alternatives other than the Preferred Alternative for the stormwater facilities, stormwater outfalls, bridge, and SE Knapp Street improvements. Alternatives that were explored, other than the preferred alternative, were rejected on the grounds of being too impactful to resources including trees and waterbodies. Further, the applicant worked with staff on alternative locations for the stormwater facilities, outside the resource area, resulting in a decrease in impacts to the Environmental Zone while still accomplishing the project purpose of providing a market rate industrial development within industrial-zoned lands.

While the preferred alternative requires permanent disturbance, native tree removal, and temporary impacts within the resource area of the Environmental Zones, it also allows for the mitigation and restoration of a large portion of the site within the Environmental Zones outside of development, including restoring floodplain to a heavily impacted riparian area. As noted in the applicant's narrative (Exhibit A.4), 288,191 square feet of site area will be restored by planting native vegetation including the removal of historical fill located adjacent to Johnson Creek. The Preferred Alternatives not only satisfy the project purpose, but they also minimize impact, to the greatest extent practicable, to identified resources and functional values.

For the reasons stated above, *these criteria are met.*

A.1.b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

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

Findings: These approval criteria require the protection of resources outside of the proposed disturbance area from impacts related to the proposal, such as damage to vegetation, erosion of soils off the site, and downstream impacts to water quality and fish habitat from increased stormwater runoff and erosion off the site. These criteria further require that no long-term impacts to resources result from the development outside of approved permanent disturbance areas.

Various measures are proposed to limit unintended temporary or permanent disturbances to resources and functional values in areas designated to be left undisturbed. Access to the construction site will be limited to identified construction entrances that are graveled and stabilized to prevent sediment from leaving the site, and temporary construction staging and material stockpiling areas will be established; stockpile areas are to be always covered with plastic sheeting both above and below soils, with sediment fencing surrounding the stockpile area.

Erosion control measures will be installed throughout the site as necessary and will include sediment and silt fences at the edges of transition areas, woven inlet and catch basin protection, straw wattles, tree protection fencing, and a concrete truck washout area. Floating sediment curtains are proposed to be utilized below ordinary high water (OHW) to contain any sediment that silt fencing fails to contain.

Construction activity beyond these barriers will not be permitted, and all on-site personnel and equipment will be restricted to the work areas as defined by the limits of the erosion control measures. Personnel will be instructed to stay within the staked limits of disturbance and use demarcated access and equipment routes as necessary. Additional erosion and sediment control measures are to be utilized during construction as needed to ensure sediment-laden water does not leave the construction area.

With conditions requiring conformance to the Construction Management Plan, *these criteria can be met by the proposal*.

A.1.c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

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

Findings: This criterion requires the applicant to assess unavoidable impacts and propose mitigation that is proportional to the impacts, as well as sufficient in character and quantity to replace lost resource functions and values. The applicant provided a Mitigation Memo (Exhibit A.4) which provides in-depth detail regarding the existing conditions of the onsite resources and their functional values. The memo further details how the proposed mitigation plan both compensates for proposed impacts as well as offers ecological lift to an ecological system that is currently and historically impacted.

<u>Wildlife Habitat</u>

The proposed mitigation areas currently provide moderate quality habitat for wildlife, with limited snags and broken-top trees, fallen trees, and limited vegetation structure. The wildlife habitat function in the study area is degraded due to the proximity to development within the site, as well as in the surrounding areas. The presence of non-native plant species such as Himalayan blackberry provides low quality vegetation cover. Despite open access to water bodies, the adjacent tree canopy is limited with low to moderate habitat due to the lack of vegetative structure.

Uplift: As stated above, the *Johnson Creek Basin Protection Plan* states that this site has a great potential for habitat restoration. Management recommendations in the Plan include, “Establish a forested riparian strip along the creek for wildlife and to increase the visual presence of the waterway.” Habitat for the wildlife species will only be improved through the proposed mitigation strategy. As such, it is anticipated that the proposed restoration areas will not

adversely affect any wildlife species in the area and will improve nesting and roosting habitat for migratory birds. Light pollution will be reduced from both building/structure removal and the restoration of these areas through revegetation and canopy building that will include native tree and shrub species, which will reduce light pollution from existing adjacent industrial development. The revegetation efforts will also serve to slightly reduce noise pollution from the surrounding areas, and buffer noise to a limited extent by increasing vegetation across the site. It is reasonable to expect that wildlife will use riparian trees for foraging and cover; as such, the anticipated wildlife habitat function in the proposed mitigation area is high, which will also provide a significant functional uplift to existing conditions on site with relation to structural diversity of habitat, native composition, and nesting and roosting potential.

Habitat Connectivity / Movement Corridor

The habitat connectivity/movement corridor function provided within the study area is low. Although Johnson Creek provides some wildlife connectivity, the site is surrounded by development and busy roads on all sides. As such, this function is limited.

Uplift: The movement corridor and habitat connectivity functions and values will be uplifted through the proposed restoration, which will increase the number of native trees and shrubs, providing cover for a variety of wildlife. The anticipated overall habitat connectivity/movement corridor function is anticipated to increase, although this function will continue to be limited by existing development around the site.

Water Quality / Floodplain Storage

The water quality function provided within the study area is generally moderate to poor. The creek's riparian vegetation includes native trees and shrubs, though Himalayan blackberry is present as well. The existing limited riparian width surrounding the creek provides little stream flow moderation or water storage and delay; but does provide low to moderate sediment, pollution, and nutrient control. Moderate slopes reduce the water quality functions, as water residence times are short compared to areas with more gentle slopes; however, vegetation along the creek contributes to increased sediment stability and less sedimentation in receiving waters.

Stream flow moderation and water storage, bank function, sediment, pollution or nutrient control functions of Johnson Creek are independent of the areas proposed for impact and are instead dependent on the location and velocity of the creek. Floodwater storage is not present along this reach of Johnson Creek.

Uplift: The overall water quality function after the proposed mitigation is anticipated to be high, as the riparian corridor will provide better nutrient and pollution control and enhance shading areas to provide water cooling. Water storage and delay will be improved through the bioretention capacity of an improved native herbaceous and eventually forested environment along the riparian area of Johnson Creek.

In addition, the grading of areas for the purposes of resource enhancement adjacent to Johnson Creek will provide additional storage of waters during flood events. The Foster Floodplain Natural Area is immediately upstream and to the east of the proposed project. Its creation by the City several years ago was to alleviate the approximate 10-year flood event within the area. Although the frequency of flood events within the subject property have been reduced since the Foster Floodplain Natural Area was constructed, Johnson Creek is still prone to flooding within the proposed development site. The proposed grading and creation of additional floodplain storage areas within the site will reconnect the creek to its floodplain, enhance flood storage functions and ensure a significant uplift of this important function.

Further, the proposed Mitigation Plan will be installed and maintained under the regulations outlined in Section 33.248.040.A-D (Landscaping and Screening). To confirm installation of the required plantings, the applicant will be required to have the plantings inspected upon installation. Then, to confirm establishment of the required plantings, the applicant will be required to submit three monitoring and maintenance reports over a five-year monitoring period to document survival and replacement.

With conditions to ensure that plantings required for this Environmental Review are installed, maintained, and inspected*, this criterion can be met.*

A.1.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

E.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

A.1.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.

E.6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Findings: Mitigation for significant detrimental impacts will be conducted on the same site as the proposed development and the applicant owns the proposed onsite mitigation area.

These criteria are met.

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

A.3.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: As demonstrated in the alternatives analysis section on pages 4 to 7 of this report, the proposed outfall locations and design are the least impactful and follow the Bureau of Environmental Services' Stormwater Management Manual (SWMM) hierarchy for treatment and disposal; *this criterion is met.*

A.3.b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

Findings: Stormwater Outfalls: The six proposed stormwater outfalls will discharge at the ordinary high water line of Johnson Creek. Only the associated riprap pads, planted per the requirements of Zoning Code Section 33.430.180.I, will be located below the ordinary high water line and will have no impact on the creek for the migration, rearing, feeding, or spawning of fish. Further, proposed mitigation plantings associated with this application will improve shading, temperature, and habitat quality along the creek.

All other development: All other proposed project elements subject to the approval criteria of this section are located above the ordinary high water line of Johnson Creek, and will have no impact on the creek for the migration, rearing, feeding, or spawning of fish. While the proposed Johnson Creek bridge crossing does cross the creek, its structural supports are above Johnson Creek's base flood elevation and ordinary high water line.

Therefore, the proposed project will not have significant detrimental impact on water bodies that support the migration, rearing, feeding, or spawning of fish. Furthermore, to the extent that approval criteria A.1.b and E.3 "There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed," is met, *this criterion is also met*.

A.3.c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

Findings: Johnson Creek Bridge Crossing: There are no practicable alternatives for the proposed Johnson Creek bridge crossing that do not cross over water bodies. Due to the nature of the proposed development, to provide a modern, marketable, efficient, and resilient industrial real estate space, utilizing only the existing bridge crossing, or widening it, was not deemed practicable as its roadway deck and structural supports are below the base flood elevation of Johnson Creek, making it susceptible to inundation during flood events. Further, using the SE Knapp Street access as the site's main access, including for truck and freight traffic, is not possible as the street is classified as a local service street and is not a designated truck route. While improvements to the SE Knapp Street access are proposed, including widening to

a minimum width necessary to serve truck and freight traffic, it will only be utilized in emergency situations where the site's main access via SE 101st Avenue cannot be used.

To the extent that approval criteria A.1.a and E.2 "Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives," is met, *this criterion is also met*

B. Resource Enhancement Projects. In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all the following are met:

1. There will be no loss of total resource area;

Findings: No loss of resource area is proposed. There will be no anticipated detrimental impact on any resources or their functional values. Only significant improvements are anticipated across all functional values. In fact, the proposal will provide 5.2 acres of enhanced habitat area, including restoring historically impacted floodplain/riparian areas.

Since no loss of total resource area will occur because of this project, *this criterion is met*.

2. There will be no significant detrimental impact on any resources and functional values;

Findings: The location of the proposed resource enhancement adjacent to Johnson Creek is not designed to have any detrimental impacts to the site's identified resources and functional values. Areas left undisturbed will not be indirectly or negatively impacted by the proposed work and may benefit from increased connectivity of improved habitat to adjacent undisturbed areas. The proposed grading for resource enhancement will result in a significant increase in resource functional values associated with Johnson Creek following revegetation, including a continued reclamation of the creek's floodplain in this area, removal of non-native and invasive plant species that are present, and restoration with a variety of native plant species. Ultimately, this work will ensure a significant uplift in flood storage functions of the creek, providing 229,184 square feet (5.2 acres) of enhanced habitat area. Revegetation will also improve shading, temperature, and habitat quality along Johnson Creek, and water storage and delay will be improved through bioretention capacity of an improved native herbaceous and eventually forested environment along the riparian area of the creek.

Based on the foregoing, *this criterion is met*.

3. There will be a significant improvement of at least one functional value.

Findings: As identified in the applicant's narrative (Exhibit A.4), the site's resource areas, including the resource area adjacent to Johnson Creek, are described as having degraded structural and species diversity and providing poor quality habitat for wildlife, which is also degraded by existing invasive plant species. The proposed grading for resource enhancement will result in a significant increase in resource functional values associated with Johnson Creek following revegetation, including a continued reclamation of the creek's floodplain in this area, removal of non-native and invasive plant species that are present, and restoration with a variety of native plant species.

Further, additional flood storage immediately adjacent to the creek also directs floodwaters to more natural areas alongside the creek, as opposed to the industrial developed areas of the site, reducing the possibility pollutants entering the creek when floodwaters recede, while also mimicking more natural hydrology patterns. This proposed resource enhancement will create additional floodplain storage areas within the site that will reconnect the creek to its historic floodplain and enhance flood storage functions and ensure a significant uplift of this critical function. Revegetation will also improve shading, temperature, and habitat quality along Johnson Creek, and water storage and delay will be improved through bioretention capacity of an improved native herbaceous and eventually forested environment along the riparian area of the creek.

Based on the improvement of resources and their functional values, and with conditions for tree and shrub planting, *this criterion can be met*.

33.430.280 Environmental Modification Review

Modifications That Will Better Meet Environmental Review Requirements

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Findings: The proposal is to modify the base zone pedestrian access development standard (33.140.240.B).

33.140.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

The project site is within the EG2 base zone and maintains only one street frontage along SE Knapp Street. Three separate industrial buildings are proposed with the project site's redevelopment. While reasonably direct pedestrian connections between each building's main entrance and SE Knapp Street are provided, each building's connection exceeds the straight-line distance requirements required by the standard. There are extensive natural resources, including delineated wetlands, that are within the Environmental Conservation overlay zone along the entirety of the project site's frontage with SE Knapp Street.

To avoid permanent impacts to the Environmental Zone and the natural resources it protects, which would be required to meet the straight-line pedestrian connection standard for each proposed industrial building, the applicant proposes a modification to Zoning Code Section 33.140.240.B, *Pedestrian Access* through this review as allowed by Zoning Code Section 33.430.280 – *Modifications That Will Better Meet Environmental Review Requirements*.

This approval criterion requires that the standard proposed for modification will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations (purpose statement copied above). As noted above, there are extensive natural resources including delineated wetlands, that are within the Environmental Conservation overlay zone along the entirety of the project site's frontage with SE Knapp Street. Straight line pedestrian connections that can meet the standard provided by Zoning Code Section 33.140.240.B would require at least three separate pedestrian connections through the Environmental Zone. The resources identified in this area include stands of native trees and extensive canopy coverage, riparian and upland habitat areas, and a large, delineated wetland, all of which would be impacted if three separate pedestrian connections were provided through this area. The functional values of these resources include wildlife habitat, habitat connectivity/movement corridor, and water quality.

As described within the applicant's narrative (Exhibit A.4), the project site's existing connection to SE Knapp Street is proposed to be widened to include a six-foot pedestrian walkway, which will provide the project site, and each industrial building, with a reasonably direct pedestrian access to SE Knapp Street. While the widening of this existing access to include the pedestrian walkway requires minimal impacts to the Environmental Zone in this area, it requires only minimal tree removal, avoids impacts to the wetland completely, and partially utilizes an already existing disturbed area, which should be prioritized over new disturbance areas that would result from additional, straight line, pedestrian connections through this area of the site. Consolidating each building's direct pedestrian access to a single route adjacent to the existing SE Knapp Street access will greatly limit direct impacts to the Environmental Zone and its resources along the project site's frontage with SE Knapp Street.

For these reasons, the proposed modification to allow for pedestrian connections from each proposed building that exceed the straight-line distance by more than what is allowed by Zoning Code Section 33.140.240.B will result in far greater protection of the resources and functional values identified on the project site than would be provided by compliance with the pedestrian access development standard.

This approval criterion also requires that the proposed modification, on balance, be consistent with the purpose of the applicable regulation (purpose statement copied above); a summary statement for each element of the purpose statement is provided below.

- **The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones.**

The project site's proposed pedestrian circulation system will be hard-surfaced, at least six feet wide at all times, and will be clearly identifiable where the system crosses driveways, parking areas, and loading areas. Each walkway, where parallel and adjacent to an auto travel lane, will either be raised or separated by a raised curb, bollards, or landscaping; therefore, with the proposed modification the pedestrian circulation system will continue to be both safe and easily usable.

While each proposed building's pedestrian connection to SE Knapp Street is proposed to exceed the straight line distance by more than what is allowed by Zoning Code Section 33.140.240.B, the extensive preservation of natural resource areas within the Environmental Zone along the project site's SE Knapp Street frontage will enhance the project site's attractiveness, and preserve a dense barrier of native vegetation that will extensively screen project site's industrial uses from public rights-of-way along SE Knapp Street.

Lastly, there is extensive grade change between the interior areas of the project site where the three industrial buildings are proposed and SE Knapp Street. Direct, straight line pedestrian connections from each building to SE Knapp Street would require extensive grading and the construction of berms. Partially utilizing the existing and more level grades resulting from the project site's existing SE Knapp Street access will avoid the excessive grading that would be required for direct and straight-line pedestrian connections and the resulting extensive permanent impacts to the Environmental Zone and associated natural resources, including wetlands. Even if the wetland fill required could be approved at the local level, it is unlikely a wetland fill permit could be secured from the Oregon Department of State Lands (DSL) given a viable alternative exists that completely avoids wetland impacts as proposed through this modification. Extensive vegetation removal and wetland fill would drastically reduce the attractiveness of the project site, including its pedestrian circulation system.

For these reasons, the proposed modification will ultimately encourage a safe, attractive, and usable pedestrian circulation that avoids excessive and unnecessary permanent impacts to the project site's natural resources along SE Knapp Street.

- **They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site.**

The on-site pedestrian circulation system provides reasonably direct pedestrian connections between each proposed industrial building site as well as between each building and adjacent vehicle parking areas. Due to the project site's unique location, where the site's buildable areas are almost entirely surrounded by natural resources within Environmental Zones, straight line pedestrian connections that also avoid extensive impacts to these areas are not possible. Nonetheless, the proposed connection to SE Knapp Street provides a reasonably direct pedestrian connection to the street from each proposed industrial building. The applicant has demonstrated that a reasonably direct pedestrian access between each proposed building and the project site's only street frontage can be achieved while also greatly limiting impacts to vital natural resource areas. On balance, when considering the importance of preserving the site's existing natural resources and wetlands, the proposed modification still meets this portion of the purpose statement.

- **In addition, they provide for connections between adjacent sites, where feasible.**

The properties located south of the project site along SE Knapp include the Indian Creek Natural Area, and rear lot area of residential lots, and a church at the corner of SE Knapp St. and SE Mt. Scott Boulevard. Therefore, there are no adjacent sites that require or would benefit from more direct connections to the project site; therefore, this portion of the purpose statement is not applicable to the proposed modification.

For the reasons described above, the proposed modification to base zone development standard 33.140.240.B both results in better protection of resources and is consistent with its purpose statement. *This criterion is met.*

33.853.040 Tree Review

A. Trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district. A request to remove trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district will be approved if the review body finds that the applicant has shown that either criterion A.1 and A.2 is met, and criterion A.3 is met:

1. The removal is necessary to allow for reasonable development of the site, including access to the site for construction, required parking, pedestrians, and utilities, and considering the allowed uses and characteristics of the area. Alternative locations and construction methods for structures, utilities and paved areas must be considered to maximize preservation of trees, with emphasis on preservation of threes that are 20 or more inches in diameter and tree groves; or

Findings: As stated within the Applicant's Statement (page 4), the proposed redevelopment of this site requires the most efficient use of the EG2 zoned areas of the site that do not have an environmental overlay for uses that meet the project's identified purpose and need. Due to the limited availability of land adequate for large industrial developments within the City, remaining developable or redevelopable sites, including this one, are subject to numerous limitations in their capacity for development and impervious and paved surfaces. While the EG2 base zone allows for a maximum of 85% building coverage per Table 140-2, development that approaches this maximum is not possible due to the location of the Environmental Zones, and the critical habitat these zones protect, throughout the site.

While the applicant is proposing a redevelopment project that is considerate of these Environmental Zones in its design and proposes efficient use of the EG2 zoned areas of the site that do not have an environmental overlay as a result, less than a third of the maximum allowed building area is proposed. Further, to deliver a project that meets current industry demands for e-commerce and rapid delivery management, on-shoring of manufacturing, and strategic inventory management, there are numerous minimum site requirements including trucking staging and queuing areas, minimum truck court depths, on-site truck, trailer, and bulk inventory storage, and large paved areas are needed. Minimizing paved surfaces at the cost of these site requirements does not allow for reasonable development of the site given its constraints and current industry demands. Further, minimizing the developability of the EG2 zoned areas of the site that do not have an environmental overlay does not result in a development that can best meet the EG2 zone's goal of supporting economic vitality, industrial development, job growth, and job diversity throughout the City. Therefore, the removal of the 50 identified trees is necessary to allow for reasonable industrial development of the site consistent with the zoning designation.

As the proposed development includes buildings flexible in their design, minimum truck court depths, adequate trailer parking stalls, vehicle parking, safe circulation, and truck staining and queuing areas, removal of 50 trees is required. As identified within the site plans (C Exhibits), the vast majority of the site's 1,623 trees are not proposed for removal or are unaffected by the proposed development altogether. Further, only six of these 50 trees are greater than 20-inches in diameter, and none are located in large individual stands or groves. Of the 50 trees proposed for removal, the vast majority are adjacent to the site's northern boundary along the Springwater Corridor Trail, directly within the proposed paving and grading limits of truck and trailer storage in this area. As previously stated, the site's development potential is minimized due to existing constraints, and further reducing proposed truck and trailer storage areas that are not limited by these constraints will not allow for reasonable development of the site necessary to meet current industry demands. While removal is necessary to facilitate these improvements, this boundary will be revegetated with native plantings and approximately 1,382 LF of L3 landscape buffer, including 93 trees of varying types and species, that will provide an enhanced screening of the site from the trail upon maturity.

Therefore, removal of these 50 trees is necessary for the site's reasonable development given its existing environmental constraints, and proposed revegetation will more than off-set proposed tree removal. In addition, both trees proposed for removal over 36-inches (Tree 28 [cottonwood, 70-inch dbh] and Tree 29 [giant sequoia, 67-inch dbh]) will be placed within the riparian area adjacent to Johnson Creek following their removal. These trees will enhance the functions and values of the riparian area by creating hydraulic roughness and refuge for aquatic species during flood events, and by providing complex habitat elements for wildlife utilizing the stream corridor.

With a condition that Tree 28 and Tree 29 are placed within the riparian area adjacent to Johnson Creek, *this criterion can be met.*

2. For sites within the Scenic overlay zone or Rocky Butte plan district, the removal is to create or enhance a public view from public property or from a public right-of-way. Consultation with the City Forester is required; and

Findings: The subject site is not within the Scenic overlay zone or Rocky Butte Plan District; *this criterion is not appliable.*

3. The proposal will continue to meet the purpose of the relevant tree preservation or removal standards. Replacement plantings within the Scenic overlay zone must consist of approved vegetation listed in the Scenic Resources Protection Plan appendix.

Findings: Tree Review is required for the proposed removal of 50 trees that do not qualify for removal under standards C.1 through C.6. Tree removal within the project site, including for the 50 proposed for removal through Tree Review, is only proposed where determined to be necessary for the site's redevelopment into a modern, marketable, resilient, and efficient industrial real estate space. Readily developable industrial land within the Portland metropolitan area is limited, necessitating the development/redevelopment of environmentally constrained land that would otherwise be avoided to meet previously identified market demands. Overall, the site improvements proposed through this application, which necessitates identified tree removal, supports the purpose statement through a variety of means:

- Increased vegetation along the Springwater Corridor Trail, including approximately 1,382 LF of landscaping to the L3 landscape buffer standard, including 93 new trees of varying types and species within 20 feet of the corridor, which will provide enhanced screening of the site from the trail upon vegetation maturity.
- A stormwater management system that will adequately treat on-site stormwater flows in conformance with current BES standards for stormwater management, including treatment. Consistent with current BES requirements, the proposed system will rely on treatment within vegetated pond facilities and gravity conveyance to six proposed outfalls, which requires extensive grading to provide finished elevations that can support gravity conveyance across the project site. While this grading requires tree removal, the proposed stormwater management system is a substantial improvement over the site's current stormwater management system, which offers limited treatment of stormwater flows, and does not comply with current BES standards. The resulting stormwater management system will support this purpose statement by reducing stormwater runoff as compared to the current site conditions and will also be adequately sized to serve the site's impervious areas, thereby reducing flooding, and subsequently reducing resulting erosion and landslides adjacent to Johnson Creek and within the project site. Adequate treatment of the site's stormwater runoff will also protect and ultimately enhance the water quality of Johnson Creek through the elimination of pollutant-laden runoff entering the creek, and subsequently the Willamette River downstream.
- Proposed resource enhancement adjacent to Johnson Creek, provided through grading that will lower the elevation of resource areas immediately adjacent to the creek, will provide additional storage of floodwaters during flooding events, which are routine along Johnson Creek. This resource enhancement, as described throughout this narrative, will provide an increase in the resource functional values of Johnson Creek through extensive revegetation with native plant materials, a continued reclamation of the creek's historic floodplain in this area, and removal of non-native and invasive plant species adjacent to the creek. Ultimately, this work will ensure a significant uplift in flood storage functions of the creek, which will further increase the creek's water quality, reduce flooding to adjacent properties, and provide a greater abundance of native vegetation in the area.
- Grading work across the project site is anticipated to provide additional flood storage over current site conditions, lowering the site's overall flood risk as a result.
- Extensive mitigation across the site that will include the planting of tree, shrub, and groundcover species native to the northwest at increased densities as compared to current conditions. Non-native and nuisance species will also be removed at the time of mitigation and revegetation planting, providing an environment where native species can thrive. Two larger trees proposed for removal (Tree 28 [cottonwood, 70-inch dbh] and Tree 29 [giant sequoia, 67-inch dbh]) are also proposed to be placed within the riparian area adjacent to Johnson Creek following their removal, which will enhance the functions and values of the riparian area by crating hydraulic roughness and refuge for aquatic species during flood events.

For the reasons described above, even with the tree removal proposed that is subject to the provisions and standards of this section, this purpose statement will be met through extensive improvements to the project site's ecological functions and habitat qualities, which will protect the scenic and recreational quality of the Springwater Corridor, reduce stormwater runoff, flooding, erosion, and landslides, and protect water quality and native vegetation adjacent to Johnson Creek following the site's redevelopment. *And 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 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 re-develop the 100-acre Freeway Lands site with industrial uses, including accessory development that impacts the Environmental Zone. The applicant considered alternative locations and designs to determine that the proposed portions of development that impacted Environmental Zones were practicable and would minimize impacts to resources and their functional values. Although it was unavoidable to impact the Environmental Zones, the applicant proposes extensive mitigation plantings in conjunction with resource enhancement to mitigate for impacts to resources and functional values. The applicant and the above findings have shown that the proposal meets the applicable approval criteria with conditions. Therefore, this proposal should be approved, subject to the conditions listed below.

ADMINISTRATIVE DECISION

Approval of a Tree Review for:
- Removal of 50 trees on a site containing Flood Risk Area within the Johnson Creek Basin Plan District

Approval of an Environmental Modification Review for:
- Modification of the Pedestrian Access Base Zone Development Standard (33.140.240.B)

Approval of an Environmental Review for:
- Temporary and permanent disturbance;
- Resource enhancement;
- Vegetated stormwater facilities;
- Stormwater outfalls (6);
- Johnson Creek bridge crossing;
- Improvements to SE Knapp street; and
- Removal of 61 native trees

all within the Environmental Conservation and Environmental Protection overlay zones and the Johnson Creek Basin Plan District, and in substantial conformance with Exhibits C.2 to C.58, as approved and signed by the City of Portland Bureau of Development Services on **July 8, 2022**. Approval is subject to the following conditions:

A. A BDS Zoning Permit is required for inspection of required mitigation plantings, and a separate BDS construction permit is required for development. The Conditions of Approval listed below, shall be noted on appropriate plan sheets submitted for permits (building, Zoning, grading, Site Development, erosion control, etc.). Plans shall include the following statement, ***"Any field changes shall be in substantial conformance with approved LU 21-058984 ENM TR Exhibits C.2 to C.58."***

1. At the time of development, one or more of the following, as applicable, must be met prior to the issuance of any permits that propose work in the existing Access Easement Area (Mult Co Doc # 2010-145914), to the satisfaction of BES:

   A. The applicant demonstrates that proposed development activities (including demolition, grading, and/or construction) will not prevent City access as granted in the Access Easement;

B. BES consents in writing to any development activities that prevent City access to the traveled portions of the Easement Area, but that are permissible nonetheless; or

C. The applicant records a new, relocated easement in accordance with the terms of the existing Access Easement.

Building Permits [or Construction Permits] shall not be issued until a BDS Zoning Permit is issued.

Building Permits shall not be finaled until the BDS Zoning Permit for inspection of mitigation plantings required in Condition D below is finaled.

B. Tree 28 and Tree 29 (Tree 28 [cottonwood, 70-inch dbh] and Tree 29 [giant sequoia, 67-inch dbh]) shall be placed in the riparian area adjacent to Johnson Creek.

C. Temporary, 4-foot high, bright orange construction fencing, silt fencing, or tree protection fencing, shall be placed along the Limits of Construction Disturbance line, as depicted on Exhibits C.54 to C.58, Limits of Disturbance Plan to separate approved construction areas from areas to remain undisturbed.

1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence.

D. The Zoning Permit review shall include inspection of a mitigation/planting plan for a total of 5,610 trees, 11,012 shrubs, 36,358 groundcovers, and 2 habitat features (Tree 28 and Tree 29) in substantial conformance with Exhibits C.47 to C.53, Mitigation/Planting Plan. Any plant substitutions shall be selected from the *Portland Plant List* and shall be substantially equivalent in size to the original plant. Conifers must be replaced with conifers.

1. Permit plans shall show:
   a. Permit plans shall show the general location of the trees, shrubs and ground covers required by this condition to be planted in the mitigation area and labeled as "new required landscaping". The plans shall include a "typical," scalable planting layout for each planting zone, and shall illustrate a naturalistic arrangement of plants and should include a planting table listing the species, quantity, spacing and sizes of plants to be planted.

   b. 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).

3. Prior to installing required mitigation plantings, non-native invasive plants shall be removed from all areas within 10 feet of mitigation plantings, using handheld equipment.

4. If plantings are installed prior to completion of construction, a temporary orange, 4-foot high construction fence shall be placed to protect plantings from construction activities.

5. All mitigation and restoration shrubs and trees shall be marked in the field by a tag attached to the top of the plant for easy identification by the City Inspector; or the applicant shall arrange to accompany the BDS inspector to the site to locate mitigation plantings for inspection. If tape is used it shall be a contrasting color that is easily seen and identified.

6. After installing the required mitigation plantings and placing the large wood debris/snags, the applicant shall request inspection of mitigation plantings and final the BDS Zoning Permit.

E. **The landowner shall monitor the required plantings** for five years to ensure survival and replacement as described below. The landowner is responsible for ongoing survival of required plantings beyond the designated five-year monitoring period. The landowner shall:

1. Prior to issuance of the BDS Zoning Permit, the applicant must submit and pay fees for review of the Mitigation Monitoring Reports required below.

2. Submit three monitoring and maintenance reports for review and approval to the Land Use Services Division of the Bureau of Development Services containing the monitoring information described below. Submit the first report within 12 months following the final inspection approval of the Zoning Permit required under Condition A. Submit a second report 12 months following the date of the first monitoring report. Submit a third report three years following the date of the second monitoring report. Monitoring reports shall contain the following information:

a. A count of the number of planted trees that have died. One replacement tree must be planted for each dead tree (replacement must occur within one planting season).

b. The percent coverage of native shrubs and ground covers. If less than 80 percent of the mitigation planting area is covered with native shrubs or groundcovers at the time of the annual count, additional shrubs and groundcovers shall be planted to reach 80 percent cover (replacement must occur within one planting season).

c. A list of replacement plants that were installed.

d. Photographs of the mitigation area and a site plan, in conformance with approved Exhibits C.36 to C.53, Mitigation/Revegetation Plan, showing the location and direction of photos.

e. An estimate of percent cover of invasive species (English ivy, Himalayan blackberry, reed canarygrass, teasel, clematis) within 10 feet of all plantings. Invasive species must not exceed 15 percent cover during the monitoring period.

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: Morgan Steele

Decision rendered by: _____ on July 8, 2022
By authority of the Director of the Bureau of Development Services

Decision mailed: July 12, 2022

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 June 21, 2021 and was determined to be complete on September 27, 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 June 21, 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 waived the 120-day review period, as stated with Exhibit (A.19) Unless further extended by the applicant, **the 120 days will expire on: September 27, 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 July 26, 2022. 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 **July 26, 2022** 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 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. Applicant's Original Submittal, June 2021
   2. Applicant's Revised Submittal, September 2021
   3. Applicant's Revised Submittal, February 2022
   4. Applicant's Narrative & Memorandum, June 2022
   5. Arborist Report
   6. Floodplain Storage Analysis & Revisions, June & September 2021, February & May 2022
   7. Market Analysis
   8. Preliminary Geotechnical Report
   9. Preliminary Stormwater Drainage Report & Revisions, June & September 2021, February & May 2022
   10. SE Knapp Street Turning Diagrams
   11. Legal Lot Documentation
   12. Johnson Creek Cross Section & Revisions, September 2021 & February 2022
   13. Geotechnical Evaluation Memo for Stormwater Ponds
   14. Statement of Intent to Execute Alternative Easement
   15. Tree Removal Tables, September 2021, May & June 2022
   16. Response Memos to BES Incomplete Items, February & May 2022
   17. Response Memos to Site Development Incomplete Items, February & April 2022
   18. Response Memo to Incomplete Letter
   19. Extensions to the 120-Day Timeline
   20. Demonstration of Compliance with Past Land Use Cases
   21. Modification Requestion Memo
B. Zoning Map (attached)
C. Plans/Drawings:
   1. C0.0 Cover Sheet
   2. C1.0 Overall Existing Conditions Plan
   3. C1.1 Northwest Existing Conditions Plan
   4. C1.2 Northeast Existing Conditions Plan
   5. C1.3 Southwest Existing Conditions Plan
   6. C1.4 Southeast Existing Conditions Plan
   7. C2.0 Overall Tree Protection Plan
   8. C2.1 Northwest Tree Protection Plan
   9. C2.2 Northeast Tree Protection Plan
   10. C2.3 Southwest Tree Protection Plan
   11. C2.4 Southeast Tree Protection Plan
   12. C2.5 SE Knapp Street Tree Protection Plan
   13. C3.0 Overall Site Plan (attached)
   14. C3.1 Northwest Site Plan
   15. C3.2 Northeast Site Plan
   16. C3.3 Southwest Site Plan
   17. C3.4 Southeast Site Plan
   18. C3.5 Bridge Construction Enlargement
   19. C3.9 Mitigation – Restoration Legends
   20. C4.0 Overall Grading Plan
   21. C4.1 Northwest Grading Plan
   22. C4.2 Northeast Grading Plan
   23. C4.3 Southwest Grading Plan
   24. C4.8 Erosion Control Notes & Inspection
   25. C4.9 Erosion Control Details
   26. C5.0 Overall Utility Plan
   27. C5.1 Northwest Utility Plan
   28. C5.2 Northeast Utility Plan
   29. C5.3 Southwest Utility Plan

30. C5.4 Southeast Utility Plan
31. C6.0 Overall Preliminary Construction Management Plan
32. C6.1 Northwest Preliminary Construction Management Plan
33. C6.2 Northeast Preliminary Construction Management Plan
34. C6.3 Southwest Preliminary Construction Management Plan
35. C6.4 Southeast Preliminary Construction Management Plan
36. L1.0 Overall Planting Plan
37. L1.1 Northwest Planting Plan
38. L1.2 Northeast Planting Plan
39. L1.3 Southwest Planting Plan
40. L1.4 Southeast Planting Plan
41. L1.5 Plant Legend and Notes
42. L1.6 Plant Legend and Notes
43. L1.7 Plant Legends
44. L1.8 Plant Legends
45. L1.9 Plant Legends
46. 6E Tree Removal Table
47. 8 Mitigation Plan Overview (attached)
48. 8A Mitigation Plan
49. 8B Mitigation Plan
50. 8C Mitigation Plan
51. 8D Mitigation Plan
52. 8E Restoration / Mitigation Planting Details
53. 8 F Planting Lists
54. EX-1 Overall Limits of Disturbance Plan
55. EX-2 Northwest Plan – Limits of Disturbance
56. EX-3 Northeast Plan – Limits of Disturbance
57. EX-4 Southwest Plan – Limits of Disturbance
58. EX-5 Southeast Plan – Limits of Disturbance

D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation
   3. Fire Bureau
   4. Life Safety
   5. Site Development Review Section of BDS
   6. Urban Forestry
   7. Bureau of Parks & Recreation
   8. Oregon Department of State Lands
F. Correspondence: None received
G. Other:
   1. Original LU Application
   2. Incomplete Letter
   3. Wetland Land Use Notice

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).