



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** August 21, 2009  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
503-823-7834

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN  
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-139890 AD**

**GENERAL INFORMATION**

**Applicant:** Portland Bureau of Transportation  
ATTN: Andrew Aebi  
1120 SW 5th Avenue, Ste 800  
Portland, OR 97204

**Representative:** Harper Houf Peterson Righellis, INC.  
ATTN: Keith Jones  
205 SE Spokane St, Ste 200  
Portland, OR 97202

**Site Address:** NE 92<sup>nd</sup> Bridge Right-of-way, north of 6215 NE 92nd Dr.

**Legal Description:** City of Portland Right of Way  
**Tax Account No.:** Not Applicable  
**State ID No.:** Not Applicable  
**Quarter Section:** 2339

**Neighborhood:** Sumner, contact Joanne Johnson at 503-257-3458.  
**Business District:** Parkrose Business Association, contact Wayne Stoll at 503-284-1921,  
Columbia Corridor Association, contact Peter Livingston at 503-796-2892.

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

**Plan District:** Cascade Station/PIC - Subdistrict B; Columbia South Shore - Southern Industrial

**Other Designations:** *Columbia Corridor Industrial and Environmental Mapping Project, Water Feature 7 – Columbia South Slough, South Shore; Columbia South Shore Resource Protection Plan, Site C; Columbia South Shore Area of Archeological Interest/Archeological Sensitivity Area; 100-Year Floodplain; Well Protection Area*

**Zoning:** EG2hp, IG2hp – General Employment 2 (EG2) and General Industrial 2 (IG2) with the Airport Landing (h) and Environmental Protection (p) overlay zones

**Case Type:** AD – Adjustment Review

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

**Proposal:**

The applicant recently went through an Environmental Review to add a new bike/pedestrian bridge and make improvements to the existing vehicular bridge on NE 92<sup>nd</sup> Drive. The site lies within two Plan Districts: Cascade Station/Portland International Center - Subdistrict B and the Columbia South Shore - Southern Industrial Subdistrict. The standards and approval criteria for these two plan districts are nearly identical, with the exception of two fairly minor planting requirements. The proposal met all of the planting requirements of the Columbia South Shore Plan District, but did not meet two of the planting requirements of the Cascade Station/Portland International Center Plan District.

The prior environmental review (LU 09-122400 EN) provided a condition of approval that allowed the applicant to either comply with the Cascade Station/PIC PD requirements or apply for an Adjustment Review to adjust the planting requirements of the Cascade Station/PIC PD. Either way, the former case remains in compliance with the less strict requirements of the Columbia South Shore PD.

Therefore, this Adjustment Review is required because the applicant's original planting plan did not meet the planting requirements of Ch. 33.508.330.A.2 and A.3 and the identical standards in 33.508.330.B.1.b. and c.

However, since the original Environmental Review decision was issued, staff determined that the standards of Subsection A should not have been applied to the original review, because the "A" standards apply only to developments on lots that contain environmental zones, which will not be affected by the proposed development. In this case, the environmental zones will be affected by the proposed development and therefore, only the requirements of Subsection B should have been used in the original Environmental Review. Therefore, this Adjustment Review is required only for the 33.508.330.B.1.b and B.1.c planting requirements.

Specifically, the two planting requirements of the Cascade Station/PIC PD that are not met include the following:

B.1.b. – Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;

B.1.c. – The remaining area must be planted with native groundcover using a minimum of four-inch pots at a density of 8 plants per ten square feet.

Instead, the applicant proposes to plant 111 plants that are a mix of trees, shrubs and live stakes, and to spread a native seed mix at a rate of 69.2 pounds per acre instead of planting the required number of shrubs and groundcovers pots. The plants include 15 trees composed of 4 species, 21 live willow stakes, 54 shrubs composed of 3 species, and 21 live Red-osier dogwood stakes, meeting the species diversity requirements of the plan district. The density of these plants will be approximately 29 square feet per plant.

**Relevant Approval Criteria:**

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

**33.805.040 – Approval Criteria for Adjustment Reviews**

## PUBLIC REVIEW COMMENTS

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on **July 2, 2009**.

- 1. Agency Review:** Bureaus and agencies responded with no concerns about this proposal. Site Development noted that the plans and specifications would be approved by the BES Chief Engineer and thus, would not be subject to BDS permit requirements. BES noted that the project is a City project and would comply with all City stormwater management requirements.
- 2. Neighborhood Review:** Written responses have not been received from either the Neighborhood Association or notified property owners in response to the proposal.

## SITE INFORMATION

**Site and Vicinity:** NE 92<sup>nd</sup> is a paved street containing an existing 2-lane bridge with a sidewalk on the east side. The street and right-of-way were vacated from the south end of the bridge north to the intersection with NE Alderwood Road. The street is currently gated, but emergency fire vehicles have access across the bridge. The surrounding area is characterized by industrial uses, predominantly warehouses, and a large Port of Portland parking lot to the northeast. The street crosses two branches of the Columbia Slough. The north branch is the location for the new bike/pedestrian bridge that will be constructed just east of the existing vehicular bridge. This section of the Slough is characterized by a narrow riparian strip, predominantly on the south side. The north bank is more open, having fewer trees and more grass areas. A bike/pedestrian trail follows the slough along the north bank, east of NE 92<sup>nd</sup> Drive.

The site is divided by two plan districts: the Columbia South Shore Plan District, which is mostly to the south, and the Cascade Station/Portland International Center Plan District, which is mostly to the north. The dividing line travels west along the 20-foot contour on the northeast side of the Columbia Slough until it reaches the NE 92<sup>nd</sup> Drive Bridge. It travels half way across the bridge then makes a 90 degree turn to the south and travels to the 10-foot contour line. There, it makes another 90 degree turn to the west and follows the 10-foot contour along the south side of the Slough (refer to Exhibit B, Zone Map).

**Zoning** The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. The provisions of this zone allow this use; these provisions are not specifically addressed through this Adjustment Review.

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

The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport; a height contour map is available for review in the Development Services Center.

Environmental overlay zones protect environmental resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is

carefully designed to preserve the site's protected resources. They protect the most important environmental features and resources while allowing environmentally sensitive urban development where resources are less significant.

The Columbia South Shore Plan District regulations encourage the development of the Columbia South Shore as an industrial employment center which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development.

The Cascade Station/Portland International Center Plan District regulations encourage the development of a commercially viable mix of office, retail, hotel, entertainment, and industrial employment uses while protecting significant environmental and archeological features of the area.

**Land Use History:** City records indicate there is one prior land use review for this site, LU 09-122400 EN, which is the environmental review that approved the addition of a bike/pedestrian bridge at the site and required the planting plan that is the subject of this land use review.

## PROJECT ANALYSIS

The Cascade Station/PIC PD Subsection 33.508.330.B.1.b. and c, require 3 native shrub species, in one gallon containers, to be planted at a density of 3 shrubs per 10 square feet and for groundcover plants to be planted in 4-inch pots at a density of 8 groundcover plants per 10 square feet. This results in a total density of 11 plants per 10 square feet, or roughly 1.25 plants per square foot. The planting area is approximately 3,184 square feet, resulting in a requirement for 3,502 potted plants, or 955 shrubs and 2,547 potted groundcovers at the subject site, each with less than 1 square foot of growing space.

Other subsections of both plan districts require 2 shrubs and 2 tree species to be planted at a density of 1 tree and 3 shrubs per each 500 square feet of planting area, or 4 plants per 500 square feet. The contrast between the two different sets of criteria is significantly different with one set requiring 4 plants per 500 square feet and the other requiring 550 plants per 500 square feet.

The applicant proposed to plant 111 plants in the open areas and to seed portions of the disturbance area, including the area under the bridges, with a 50:50 seed mix of native flower/forbs and native grasses. The plants included 15 trees composed of 4 species, 21 live willow stakes, 54 shrubs composed of 3 species, and 21 live Red-osier dogwood stakes, meeting the species diversity requirement of both plan districts. The area to be planted is 3,184 SF, which means that each plant would have a 4' by 7' planting area, or almost 29 square feet per plant. The remaining area would be seeded with the native forb/grass seed mix at a rate of 69.2 pounds per acre, which would exceed most seeding requirements of around 40 pounds per acre. However, the plan uses trees and live stakes, along with shrubs, to provide the cover instead of just shrubs, and did not meet the CS/PIC PD density requirement of 3 shrubs per 10 square feet.

Planting requirements for trees generally require them to be planted on 10-foot centers. As the trees mature on this site, their canopy covers will range from 30 to 65 feet, covering approximately 585 square feet. Two of the shrub species will grow on average to 12 feet and two will grow to around 6 feet. The live stakes are Red-osier dogwood and Scouler Willow, which has a mature spread of 40 feet. The 21 willow stakes alone will cover approximately 840 square feet at maturity. If each shrub is only 5 feet in width, the combined ground coverage is 1,245 square feet. Combined with the expected tree canopy, there would be a total ground coverage of approximately 1,830 square feet, which exceeds the 1,100 square foot planting area outside of the bridge footprint.

The current Mitigation Site Plan does not indicate seeding in areas where shrubs and trees will be planted. To ensure the comprehensive plant cover required by the Cascade Station/PIC PD, all planting areas as well as all disturbance areas in and around the bridge within the environmental zone should be seeded at the applicant's proposed rate of 69.2 pounds per acre.

The Cascade Station/PIC PD planting standards ensure that all resource values, which will be altered or destroyed by development within the District, will be replaced at the site. The spacing requirements ensure that the site will be over-planted, which protects against plant die-off. If one 10-square foot plot is planted with 11 potted plants, and half of them die, then the remaining 5 or 6 plants may survive to create a dense layer of vegetation. However, requiring only shrubs and groundcovers creates a lack of structural diversity, which is an important factor for wildlife. Adding trees to the planting requirements will increase biodiversity on the site and provide additional habitat opportunities.

Also, the benefits of requiring potted groundcovers instead of allowing seeding is difficult to assess. The applicant stated "A native seed mixture is a more natural way of establishing native plants as opposed to growing them in pots and transplanting individual plants. Natural plantings in the wild grow randomly and the seed mixture will more closely accomplish the goals of reestablishing the native plant system" than planting potted plants. The seed mixture will contain seeds for four native flowers/forbs and 4 native grasses, ensuring a diverse groundcover. Spreading the seed at a rate of 69.2 pounds per acre and watering the site regularly ensures that the resulting plants will exceed the cover requirements established by the Standard.

In addition to the groundcover plants that will emerge from seeding the site, the applicant will install 69 potted plants and 42 live stakes for a total of 111 established plants. This combination of seeds, potted plants and live stakes shows that the disturbance area will be over-planted, which is the desired effect of Standard 33.508.330.B. The overall proposed plant density will therefore exceed 100 percent ground cover within two growing seasons after planting, provided the plants are monitored, maintained and replaced as needed to ensure at least 100 percent survival.

To ensure the success of these plants, they must be watered during the dry summer and fall months, and the maintenance and monitoring period must extend for 5 years to comply with the requirements of the two plan districts. The applicant provided a planting plan and a maintenance and monitoring plan that showed the plants would be installed with mulch for weed control and browse protection to prevent predation. Plants would be watered upon installation and a temporary irrigation system with time-release watering would be installed. Weeding would occur twice each year for the 5-year period and plant cover would be monitored and evaluated using either a transect or random plot methodology. Mulch would be restored once each year and dead plants would be replaced at the end of the first growing season. Plant survival would be measured by an actual plant count. These actions would guarantee plant survival much more than watering and plant replacement alone.

## **ZONING CODE APPROVAL CRITERIA**

### **33.805.010 Purpose (Adjustments)**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**33.805.40 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. have been met.

**A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.**

**Findings.** The primary purpose of the Cascade Station/Portland International Center Plan District is to “encourage the development of a commercially viable mix of office, retail, hotel, entertainment and industrial employment uses, while protecting significant environmental and archaeological features of the area.” And, “The plan district’s proximity to the Columbia Slough and the Columbia Slough Trail are recognized by inclusion of special development guidelines and bicycle-pedestrian connections. The plan district regulations also protect significant identified environmental and open space resources within the plan district consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district.”

As described above on pages 4 and 5, the applicant’s planting plan exceeds the Standards’ goal for achieving a high level of plant cover over disturbed areas and for making sure that all natural resource values, which may be altered or destroyed by development within the District, will be replaced at the site. However, all of the planting areas should be seeded with the native flower/grass seed mix to ensure a 100 percent groundcover will be achieved at the site.

Therefore, with a condition to require seeding in all areas of the right of way within the environmental zone with a seeding rate of 69.2 pounds per acre in addition to the applicant’s approved mitigation plan, *this criterion will be met.*

**B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.**

**Findings.** The project is not located within a residential zone, but is located within the General Employment zone (EG2). The planting area involved includes the north bank of the Columbia Slough and does not affect any area available for development. The revegetated banks will provide a visual amenity to passersby, whether on foot, bikes, or in motor vehicles. *Therefore this criterion is met.*

**C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and**

**Findings:** Only one adjustment is requested. Therefore, *this criterion is not applicable.*

**D. City-designated scenic resources and historic resources are preserved; and**

**Findings:** There are no City-designated resources located on this site. Therefore, *this criterion is not applicable.*

**E. Any impacts resulting from the adjustment are mitigated to the extent practical; and**

**Findings:** The purpose of this review is to ensure that the impacts of a previously approved land use review will be mitigated as required by the mitigation standards of two plan districts. As described above, the mitigation plan required by Land Use Review 09-122400 EN ensures that there will be no discernible impacts at the site, and the conditions stated above ensure that *this criterion will be met.*

**F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

**Findings:** This proposal is to ensure that required mitigation plant density from a previous land use review will supply enough mitigation plants to exceed the planting Standards of Chapter 33.508.330. Installing native species within the environmental zone will not have significant detrimental environmental impacts on resources or resource values. Instead, this planting plan ensures that the resource area will be significantly improved by the installation and maintenance of the required mitigation plants. Therefore, *this criterion is met.*

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

The applicant requested an adjustment to the planting standards of the Cascade Station/Portland International Center Plan District: to substitute fewer potted plants; to include trees to provide the coverage that would have been provided by additional potted shrubs; and to allow mass seeding of the area instead of installing the required potted groundcovers. The request to use a combination of trees, shrubs and intense seeding to mitigate impacts on the site from a previous land use review, instead of planting only containerized shrubs and groundcovers has been shown to provide abundant vegetative cover on the site. In addition, the addition of trees to the plant mix will enhance wildlife habitat as vertical diversity will allow different animal species to use the site.

With conditions to ensure that the mitigation plants are irrigated and maintained, and for maintaining and monitoring the plants for 5 years in compliance with the plan district requirements, this request should be approved.

## **ADMINISTRATIVE DECISION**

Approval of an Adjustment to:

33.508.330.B.1.b and B.1.c to reduce the number of required potted shrubs; to include trees in the planting plan to provide the coverage that would have been provided by additional potted shrubs; and to allow mass seeding of the area instead of installing the required potted groundcovers

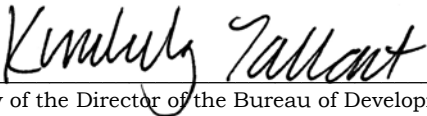
per the approved site plan, Exhibit C.1 (identified as C.7 in previous land use review 09-122400 EN), signed and dated August 7, 2009, subject to the following conditions:

- A. As part of the zoning permit application submittal, the required Mitigation Site Plan must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheet on which this information appears must be labeled, "Mitigation Plan as approved in Case File # LU 09-139890 AD. No field changes allowed."

B. The mitigation site plan subject to this review shall replace the mitigation site plan approved in LU 09-122400 as Exhibit C.7 with the following condition:

1. The seed mix, as described herein, and in LU 09-122400 EN, shall be spread in all areas of the right of way within the environmental zone at a rate of 69.2 pounds per acre.

**Staff Planner: Kathy Harnden**

**Decision rendered by:**  **on August 19, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 21, 2009**

**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 29, 2009, and was determined to be complete on July 14, 2009.

*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 29, 2009.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested an extension of 17 days to the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: November 28, 2009**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 4, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **September 8, 2009– the first business day following the last day to appeal.** A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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

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

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

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

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

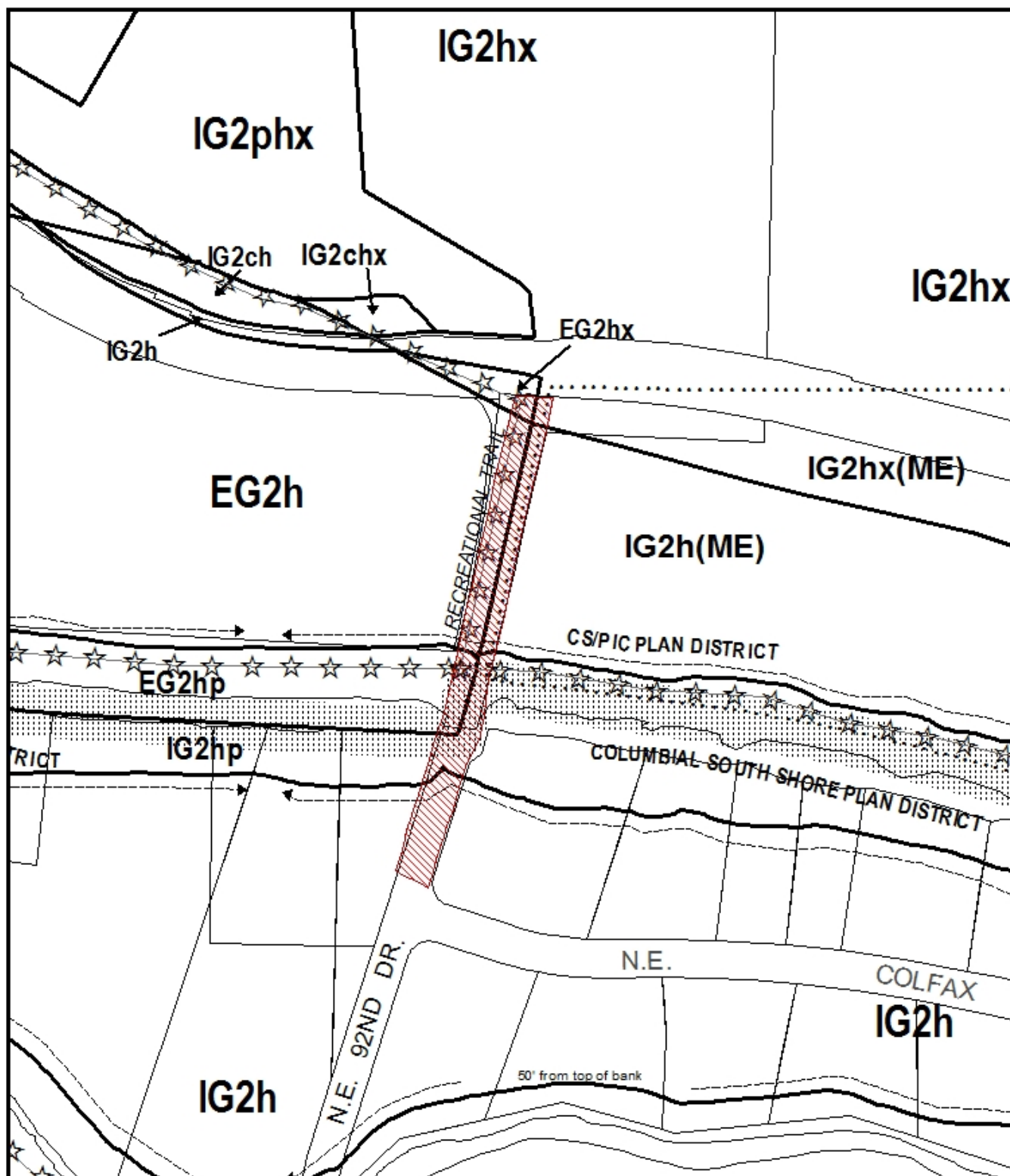
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant's submittal dated 6/29/09
  - 2. Request to extend 120-day timeline dated 8/10/09
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Mitigation site plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Site Development
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**



# ZONING

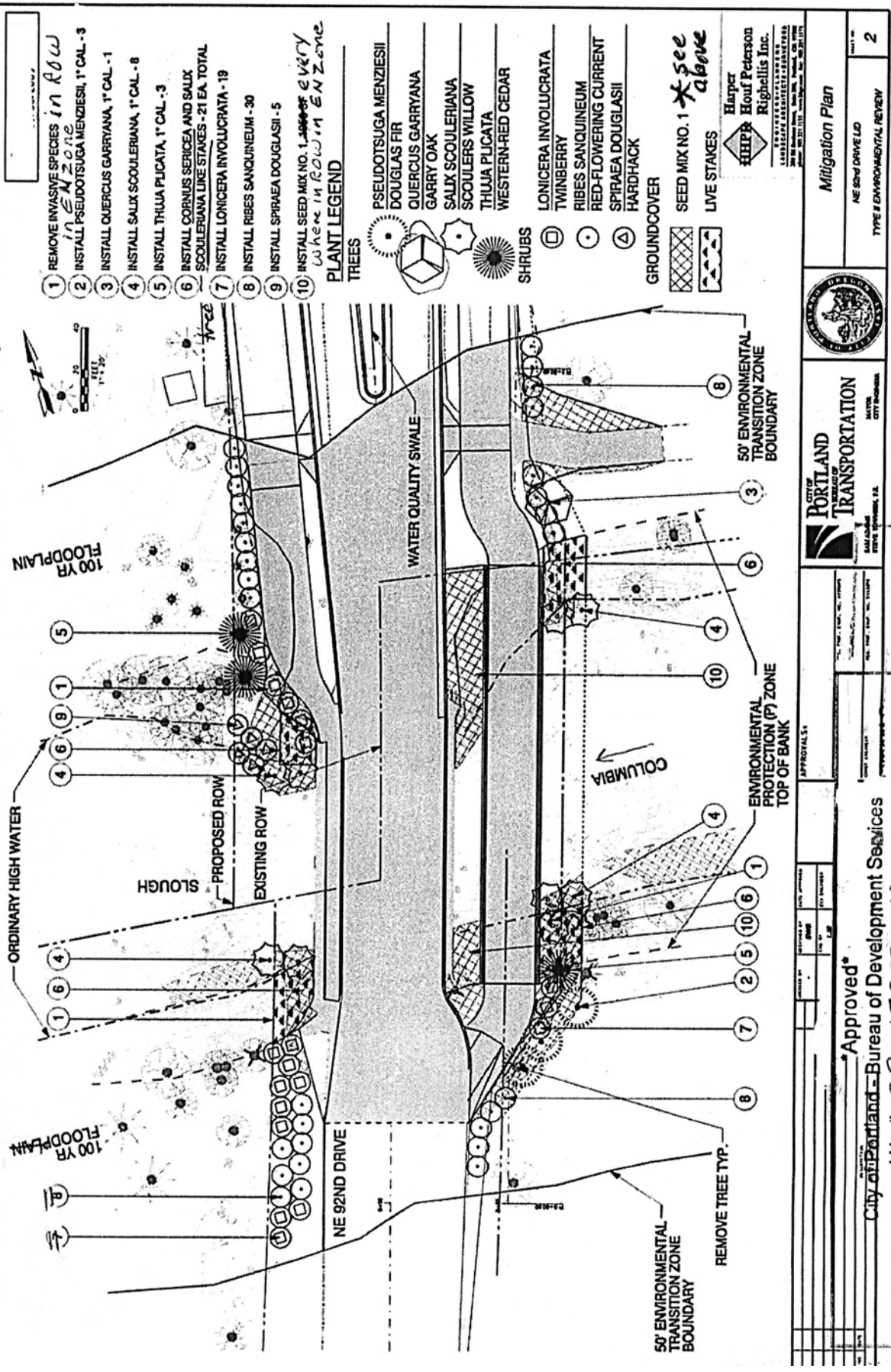
 Site



File No.	<u>LU 09-139890 EN</u>
1/4 Section	<u>2440</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>Right of Way</u>
Exhibit	<u>B</u> (Jul 07, 2009)

# PLANTING PLAN

- \* All planting areas shall be seeded with modified seed mix approved in LU09-122400 EN
- \* Seed mix shall contain 4 native flower species per the Portland Plant List.
- \* The disturbance area within the EL zone, including the area under the bridges, shall be seeded at a rate of 69 pounds per acre.



Case No: LU09-139890 AD  
Exhibit: C.1