



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

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Date: May 9, 2014
To: Interested Person
From: Stacey Castleberry, Land Use Services
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NOTICE OF A TYPE Ix 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 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 14-113701 CN

GENERAL INFORMATION

Applicant/Owner: City of Portland Bureau of Environmental Services
Attn: Fred MacGregor / 503.823.4981
1120 SW 5th Avenue, Room 1000 / Portland, OR 97204

Representative: Winterbrook Planning
Attn: Tim Brooks
310 SW 4th, Suite 1100 / Portland, OR 97204

Additional Owners (Construction Access Site):
Port of Portland
PO Box 3529
Portland, OR 97208

Site Address: Ramsey Reach in Lower Columbia Slough: East of N. Lombard Street and railroad; access via N. Woodrush Way.

Legal Description: LOT A, RAMSEY LAKE IND'L PARK; LOT K TL 1400, RIVERGATE INDUSTRIAL DIS; LOT K TL 100, RIVERGATE INDUSTRIAL DIS

Tax Account No.: R687100010, R708882660, R708882650

State ID No.: 2N1W25 01600, 2N1W25 01400, 2N1W36B 00100

Quarter Section: 1721

Neighborhood: St. Johns, contact Justin Sundling at justinsundling@gmail.com.

Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-2892.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: None

Other Designations: *Smith & Bybee Wetlands Comprehensive Natural Resource Plan*; 100-year floodplain.

Zoning: OS, IH, c, h, p—Open Space, Heavy Industrial base zones, with Environmental Conservation, Environmental Protection, and Airport Height overlay zones.

Case Type: CN – Comprehensive Natural Resource Plan Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: On May 30, 2013, the City approved the *Smith and Bybee Wetlands Comprehensive Natural Resource Plan* (CNRP), in Land Use Review Case #LU 12-167334 CN. The Smith & Bybee CNRP included final approval of 11 projects, and tentative approval of 9 projects within the 2,100-acre Smith & Bybee Wetland Natural Area in North Portland. Projects receiving tentative approval through the CNRP are subject to a second Type Ix land use review before they can be constructed to ensure conformance with the plan, when details are available.

The applicant, Portland's Bureau of Environmental Services (BES) proposes to install large woody debris structures along the western shoreline of the Columbia Slough at Ramsey Reach to enhance in-stream habitat for native fish species, particularly rearing and refugia habitat for juvenile salmonids. This work was identified as Project 3A in the Smith & Bybee CNRP.

The purpose of the project is to enhance in-stream habitat for native fish species, with an emphasis on rearing and refugia habitat for juvenile salmonids along the shoreline areas of the Lower Columbia Slough. This resource enhancement project involves placement of large woody debris (LWD) along the shoreline of the Columbia Slough to enhance in-stream habitat.

The large woody debris structures will consist of multiple logs pinned together and anchored into the slough bottom. The logs will be barged to each site from a nearby access point north of the LWD placement sites, on Port of Portland and City of Portland land. Construction access will be by barge and crane via an existing access site. The access point consists of a staging and storage area with a crane platform located above the west bank of the Columbia Slough. Access to the staging area will be via an existing City and Port access road from N. Woodrush Way.

Temporary disturbance to the site, at both the Slough and the access point, will be minimal. The LWD installation will be done using helical anchors, requiring no excavation or fill in the Slough bottom. Expected turbidity and sedimentation impacts are so low that National Marine Fisheries Service (NMFS) staff recommended against using planned silt curtains, since their installation would cause more disturbance than the helical anchors. At the access site, the planned accessway, turnaround, staging and crane areas are located on previously disturbed land. No grading or disturbance to significant vegetation is planned within the environmental zone. Five trees (four less than 8 inches in diameter, recently planted cottonwood and pine, one 12-inch cottonwood) are proposed for removal to allow access for large logs along the existing road. Between the access point and the installation sites, logs will be transported up the Columbia Slough on barges, causing no resource disturbance.

BES will restore native vegetation to approximately 0.3 acres of land temporarily impacted by construction activities in the staging area. In addition, BES proposes to create improved turtle nesting habitat in the disturbed uplands at the staging area. Revegetation will include the application of native seed to establish a native herbaceous ground cover and the installation of woody plant materials surrounding and including the construction areas. Maintenance will include follow-up treatment of invasive non-native vegetation, and additional plant installation as necessary. Monitoring and maintenance will occur at least once annually for five years.

The larger Lower Columbia Slough enhancement project involves work at two separate locations in the slough: Wright and Moore Islands and Ramsey Reach. This environmental review (LU 14-113701 CN) addresses the placement of LWD Ramsey Reach. The Wright and Moore Islands site was reviewed and approved separately in case number LU 14-113682 EN.

The CNRP approved multiple land use actions expected to be implemented during the 10-year term of the proposed plan. The proposal described in this notice was tentatively

approved as Project 3A of the Smith and Bybee Wetlands CNRP. Final approval via a Type Ix CN review was described for Project 3A in the CNRP.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria outlined in the *Smith and Bybee Wetlands Comprehensive Natural Resource Plan*. The relevant approval criteria are:

- There will be no significant detrimental impact on any resources and functional values.
- There will be a significant improvement of at least one functional value.

ANALYSIS

Site and Vicinity: The Ramsey Reach is located in the Lower Columbia Slough, east of the Rivergate industrial area and west of the former St. Johns Landfill site, in North Portland. Log trucks will follow an existing City and Port access road to a staging area that is a previously disturbed field. The field is currently dominated by weedy grasses.

The large wood placement sites have a tidally influenced shoreline with exposed beaches and mud flats. The installation sites are generally on the mud flats. Dominant trees in the Lower Slough riparian corridor above the installation sites include Oregon ash and black cottonwood. Understory vegetation is sparse and includes red osier dogwood, snowberry and Himalayan blackberry. Reed canarygrass is present in the Slough bank areas.

Along the access road and staging area are ponderosa pine, Douglas fir and cottonwood, all planted by BES. These areas also contain some snowberry and swamp rose thickets, and non-native pasture grasses. Cottonwoods are found along the Slough and associated wetlands.

The City (BES) owns the land at the LWD placement sites. The City of Portland and Port of Portland own the land that will be used as a temporary access and staging area. BES staff are working with Port staff to obtain the necessary permits from the Port for the described work.

Zoning: The site is within the Open Space (OS), and Heavy Industrial (IH) base zones, with Environmental Conservation (c), Environmental Protection (p), and Airport Height (h) overlay zones.

The Open Space base zone is intended to preserve public and private open and natural areas to provide opportunities for outdoor recreation and a contrast to the built environment, preserve scenic qualities and the capacity and water quality of the stormwater drainage system, and to protect sensitive or fragile environmental areas. No new uses are proposed within the OS zone and the provisions of the zone do not apply to the proposal. The OS zone regulations are therefore not addressed through this Environmental Review.

The IH zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The provisions of this zone allow this use; these provisions are not specifically addressed through this Environmental 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 purpose of this land use review is to ensure compliance with the regulations of the environmental zones.

Environmental Resources: The application of the environmental overlay zones is based on detailed studies that have been carried out within eight separate areas of the City. Environmental resources and functional values present in environmental zones are described in environmental inventory reports for these study areas. The project site is mapped within the [Inventory and Analysis of Wetlands, Water Bodies, and Wildlife Habitat Areas for the Columbia Corridor](#) (Columbia Corridor Inventory), as Inventory Site #55 (Smith & Bybee Lakes) and Water Feature #40 (the main channel of the Columbia Slough).

The Columbia Corridor Inventory describes Site #55 as follows:

“Smith and Bybee Lakes is the most complex and unique natural area within Portland’s Urban Growth Boundary. It is about 2,000 acres of a type of habitat which was formerly widespread throughout the lower Columbia River riparian area. Almost all of the site is within the 100-year flood boundary. Even though this site scored the highest on the Wildlife Habitat inventory of all sites inventoried, there is still potential for further enhancement. Extensive amounts of edge habitat are found at this wetland, and are one of the site’s most significant and basic natural resources for wildlife.”

Identified resources and functional values for Site #55 includes drainageway functions, including fish habitat, drainage, flood storage, desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal.

Inventoried Water Feature 40 is the main channel of the Columbia Slough. The Columbia Corridor Inventory identified the resource as a forested riparian strip that provides wildlife habitat, visual amenities, and erosion control. The water feature also provides several drainageway functions, including fish habitat, drainage, flood storage and desynchronization, erosion control, sediment trapping, and pollution and nutrient retention and removal.

The project site contains each of the resources and functions identified for the Columbia Slough. However, as described below, several functions are limited or degraded in the area of the Ramsey Reach. One particular degraded function, fish habitat, is the focus of the proposed refugia habitat enhancement project.

Land Use History: City records indicate the following prior land use reviews for this site.

LUR 01-00050 EN Approved an Environmental Review for six-inch diameter exploratory archaeological excavations in the Environmental Conservation and Environmental Protection Overlay Zones, at the Ramsey Lake Project area, which is the construction access site for this project. The archaeological excavations were to occur in preparation for removal of fill.

LUR 01-00567 EN Approved of the Rivergate Enhancement Project elements: the south bank of the Columbia Slough restoration and revegetation, railroad visual vegetation buffer and culvert removal, at the Ramsey Lake Project area, which is the construction access site for this project. This case was approved February 1, 2002.

LU 02-125102 EN approved excavation and grading to a finished elevation of 14+feet NGVD (involving approximately 93,400 cubic yards of material); creation of 2000+ linear feet of swales within the excavated area; and to establish wetland and riparian habitat, at the Ramsey Lake Project area, which is the construction access site for this project.

LU 03-162374 EN approved placement of Large Woody Debris at numerous sites, including Ramsey Lake which is the construction access site for this project.

The Smith and Bybee Wetlands CNRP (LU 12-167334 CN) was approved in May, 2013. Condition A of the Hearings Officer Decision required submittal of the Final CNRP report by December 31, 2013. This report was submitted to BDS prior to that date. Under City Ordinance 184944, the NRMP for Smith and Bybee Lakes is now repealed and replaced by

the CNRP. As noted above, the CNRP granted tentative approval to the Lower Slough Refugia Habitat Enhancement Project. The project is subject to a Type Ix CN Review.

On the face of it, the current proposal does not appear to have any effect on prior land use approvals. Nonetheless, to the extent that previously required conditions of approval apply to the project site, they continue to apply. It is the property-owner's responsibility to ensure continued compliance with applicable conditions of approval.

Applicant's Statement: This project is a resource enhancement project, designed to improve refugia and cover habitat for native fish species. It will provide additional resource benefits, such as painted turtle nesting habitat at the Ramsey access site and basking habitat (on log masses). No significant detrimental impacts to resources or functional values are anticipated.

The project site contains each of these resources and functional values identified in the City's natural resource inventory for the project area. However, several functions are limited or degraded in the area of the Ramsey Reach.

One particular function, fish habitat, has been the subject of several studies in recent years. These studies have verified that the Lower Slough provides rearing and refuge habitat seasonally for Endangered Species Act (ESA)-listed Coho and Chinook salmon. These reports define the need for and the lack of supply of large wood in the system. The addition of cover is crucial for juvenile salmonids who like to spend time in shallow water areas, but require the cover of large wood to shield them from predators, aquatic and terrestrial. Additionally, the reports describe the need to anchor installed wood to prevent it from floating out of the system during tidal fluctuations.

The Ramsey Reach was identified as a reach that would benefit from the addition of large wood. Restoring instream complexity and cover is the focus of the proposed refugia habitat enhancement project. The proposed large wood will enhance refugia habitat for native species of fish, including coho and Chinook salmon.

Temporary disturbance at both the large wood placement sites and the access point will be minimal. At the Ramsey Reach, the identified LWD structure locations cannot be accessed from land without causing significant damage to vegetation and wetlands within the Lower Slough riparian corridor. To minimize impact, construction access will be from the water via a barge. Barges to be used for the project are either already moored in the Columbia River, or will be launched at a nearby existing boat ramp. An excavator or small crane on the barge would be used to place the wood. A smaller excavator with a hydraulic rotary head attached would install the anchors in the Slough bed. The proposed anchors are helical anchors, which require no excavation or fill in the Slough bottom. Expected turbidity and sedimentation impacts are so low that NOAA Fisheries staff recommends against using planned silt curtains, since their installation would cause more disturbance than the anchors themselves.

During early site visits to the Ramsey access site, BES and Port staff identified potential impacts from staging area activities on an existing population of native Western painted turtles near the Ramsey access site. They may utilize the planned staging area for nesting: both digging nests and laying eggs on the weedy open patch of ground identified for staging (truck turn-around, crane, and log piles). Adult turtles seeking new nest sites in spring and summer may be excluded and any existing nests may not be able to emerge. In the proposed site restoration plan described below, BES proposes to create improved turtle nesting habitat in the disturbed uplands at the staging area.

The planned gravel accessway, turnaround, staging and crane areas are located on previously disturbed land. No grading or disturbance to significant vegetation is planned; however, five young trees along the existing road will need to be removed to allow for log truck access. The proposed access road will be surfaced temporally with 12-inch layer of gravel (open graded aggregate) over geotextile fabric to support the weight of the vehicles

transporting logs to the staging area. Installation of the temporary surfacing also prevents the ground surface from becoming compacted. All the gravel and geotextile will be removed and the areas restored once construction is complete. Site revegetation and placement of turtle nesting substrate is planned for the staging area post construction, as described later in this report.

Between the access point and the LWD placement sites, logs will be transported up the Columbia Slough on barges, causing no resource disturbance.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on March 14, 2014.

1. Agency Review: City Bureaus and agencies reviewed this proposal, BDS Site Development Services reviewed the applicant's No Rise Analysis and have no concerns; BES expressed no objections to the resource enhancement project to add large woody debris along the Columbia Slough shore at the Ramsey Reach. They noted that this is a BES project, therefore applicable BES standards, including those outlined in the City of Portland's Stormwater Management Manual and the Sewer and Drainage Facilities Design Manual, shall be met for the duration of the project. Applicable standards of Title 10 and Title 24 shall also be adhered to.

2. Neighborhood Review: No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

The CNRP specifically addresses Project 3.A, Lower Slough Refugia Restoration. The project received "tentative approval" in the CNRP and is subject to a Type Ix CN Review to receive final approval for the resource enhancement work. Preliminary project plans were reviewed in the CNRP. The CNRP identifies two additional site plans required for the CN Review:

1. Construction Management Plan, and
2. Mitigation/Restoration Plan

These plans are provided with this application: Construction Management (Exhibits C.8 through C.11), Refugia Enhancement (Exhibits C.4 through C.7), and Access Site/Turtle Habitat Restoration (Exhibits C.12 and C.13).

The CNRP identifies two applicable approval criteria for this review:

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

Findings: As discussed in the Impact Evaluation and Construction Management Plan, (Exhibit A in the application case file), there are no significant detrimental impacts associated with this project.

Construction access to install the log structures on the banks, will be from the water via a barge. An excavator or small crane on the barge would be used to place the wood. A smaller excavator, on a barge, with a hydraulic rotary head attached would install the anchors in the Slough bed. The proposed anchors are helical anchors, which require no excavation or fill in the Slough bottom. Expected turbidity and sedimentation impacts are so low that NOAA Fisheries staff recommends against using planned silt curtains, since their installation would cause more disturbance than the anchors themselves. Barges to be used for the project are either already moored in the Columbia River, or will be launched at a nearby existing boat ramp.

The potential for temporary impacts to turtle habitat from staging area activities were considered. A sizable population of western painted turtles is present within the habitats near the Ramsey access site. Although no turtle nesting in the planned staging area has been documented, it is possible that they use the weedy open patch of ground in that area.

It is thus possible that turtles would be temporarily excluded from the area during construction. The proposed site restoration plans (Exhibit C.12 and C.13) indicate that the applicant proposes to enhance turtle nesting habitat at the staging area following construction.

Construction access will follow an existing City of Portland and Port of Portland access road from N. Woodrush Way. The access route will be temporarily covered with a permeable membrane and a layer of gravel to avoid additional soil disturbance. The access route, staging area and turnaround will be located in previously disturbed uplands. No new grading or disturbance to significant vegetation is planned. Five young trees planted by BES will need to be removed to allow for log truck access. Following construction, the gravel (open graded aggregate) and membrane (geotextile fabric) will be removed and the area will be reseeded with native vegetation.

To ensure that construction will minimize impact to trees or tree roots, BES has toured the site with the City Forester. The City Forester has provided a memo (alternative tree protection plan) outlined measures to protect trees (Attachment B to Exhibit A in application case file). The City Forester also recommended that five trees planted recently by BES be removed because they would likely be damaged when logs were transported to the site. Tree protection measures are shown on Exhibit C.11.

Temporary disturbance during restoration work will be negligible, and impacts will be avoided by key construction management steps, including:

- Install erosion/sediment control measures.
- Install temporary membrane and gravel, and any tree protection measures requested by the City Forester.
- Install helical anchors from barge.
- Transport and install LWD using crane and barge.
- Restore access site as described in the Revegetation Plan.
- Remove erosion control and tree protection measures.

The applicant has provided a carefully thought out construction management plan as described above. Construction fencing is shown on the Construction Management Plan for the construction access area, around the perimeter of the Crane Platform Area, and along the east edge of the access driveway. However there is no construction fencing delineating the north, west and southwest perimeter of the proposed Log Truck Turn Around, to separate it from sensitive wetland areas immediately west of it. Therefore the applicant will be required to provide construction fencing entirely around the north, west, and southwest perimeter of the Log Truck Turn Around depicted on Exhibits C.8 and C.11, at least 20 feet from the edge of the delineated wetland. This will prevent detrimental impacts to the adjacent wetland.

Minimal areas within the resource area will be affected by the proposal. All temporary construction areas within the resource area will be restored with native vegetation, which will be required to be confirmed through City inspection via a BDS Zoning Permit. With this condition of approval, and with conditions for construction fencing along the perimeter of the proposed log truck turn around area, there will be no significant detrimental impact on any resources and functional values, and this criterion is met

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

Findings: A series of studies over the past decade concluded that the Lower Columbia Slough was a preferred site for fish habitat restoration because this area provides critical rearing and refuge habitat for native, ESA-listed Chinook and coho salmon and steelhead trout. Large wood was found to be a limiting factor for aquatic habitat in certain areas of the Lower Slough, including the Ramsey Reach. A primary recommendation for restoration was to increase cover and in-stream complexity.

This proposal will add large wood structures that are similar to naturally occurring large woody debris piles in riverine systems such as the Columbia Slough. The proposed 10 LWD structures will provide in-stream complexity that is currently lacking. The migrating salmonids will use these structures for rearing habitat, resting, foraging and cover from predators. Large wood structures also provide sunning areas for turtles and resting areas for birds. This proposal will restore complex fish habitat by increasing the amount and quality of rearing and refuge habitat available to salmonid species as well as improving habitat for terrestrial and aquatic species.

BES also proposes to place customized turtle nesting substrate as part of the Ramsey staging site restoration plan. BES proposes to place customized turtle nesting substrate as part of the staging site restoration plan (Exhibits C.13). Current nesting habitat is highly limited throughout the Columbia Slough for native turtles due to vegetation succession and development. BES has been successful in attracting native turtles to installed nesting substrate on a wetland project in the Upper Columbia Slough. BES proposes to use the same mix of materials at the Ramsey Reach staging area. The turtle nesting habitat will be a low, gently sloped mound of the above material. It will be approximately 0.20 acres in size and will not conflict with future use of the existing maintenance road or jurisdictional wetlands. The nesting habitat will not be planted due to turtle nesting preferences for sandy areas with minimal vegetation.

This proposal will significantly improve salmon refugia habitat, particularly for juvenile salmon. It is also expected to enhance nesting habitat for Western painted turtles. 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

Portland's Bureau of Environmental Services (BES) proposes to install large woody debris structures, consisting of multiple logs secured with helical anchors, along the shoreline of the Columbia Slough at Ramsey Reach. This proposal will restore complex fish habitat by increasing the amount and quality of rearing and refuge habitat available to salmonid species as well as improving habitat for terrestrial and aquatic species.

The logs will be barged to each site from a nearby access point north of the LWD placement areas. Construction access will follow an existing City of Portland and Port of Portland access road from N. Woodrush Way. Temporary disturbance areas associated with construction and access will be restored by seeding native vegetation, followed by 5 years of monitoring and maintenance. This proposal will significantly improve refugia habitat, particularly for juvenile salmon. It is also expected to enhance nesting habitat for Western painted turtles.

The applicants 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 following conditions.

ADMINISTRATIVE DECISION

Approval of an Environmental Review for:

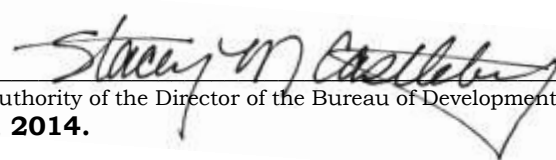
- Construction and installation of large woody debris structures at the Ramsey Reach in the Lower Columbia Slough;

within the Environmental Conservation and Environmental Protection overlay zones, and in substantial conformance with Exhibits C.4 through C.13, as modified, signed, and dated by

the City of Portland Bureau of Development Services on **May 7, 2014**. Approval is subject to the following conditions:

- A. A BDS Zoning Permit is required for inspection of construction fencing at the access site, prior to construction activities, and revegetation of the construction area following project completion.** Copies of the stamped Exhibits C.4, C.5 and C.11 from LU 14-113701 CN and Conditions of Approval listed below, shall be included within all plan sets submitted for permits (Site Development, Zoning, erosion control, etc.). These exhibits shall be included on a sheet that is the same size as the plans submitted for the permit and shall include the following statement, **"Any field changes shall be in substantial conformance with approved Exhibits C.4 through C.13."**
- B.** Temporary construction fencing shall be installed according to Section 33.248.068 (Tree Protection Requirements), except as noted below. Construction fencing shall be placed entirely around the north, west, and southwest perimeter of the "Log Truck Turn Around" depicted on Exhibits C.8 & C.11, at least 20 feet from the edge of the delineated wetland; and along the Limits of Construction Disturbance for the approved storage and staging area, as depicted on Exhibits C.8 Construction Management Plan, or as required by inspection staff during the plan review and/or inspection stages.
1. No mechanized construction vehicles are permitted outside of the approved "Limits of Construction Disturbance" delineated by the temporary construction fence. All planting work, invasive vegetation removal, and other work to be done outside the Limits of Construction Disturbance, shall be conducted using hand held equipment.
- C.** Native seed mix, selected from the Portland Plant List, shall be planted, in substantial conformance with Exhibits C.12 Revegetation Plan.
1. Plantings shall be installed between October 1 and March 31 (the planting season).
 2. 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.
 3. After installing the required mitigation plantings, the applicant shall request inspection by the Bureau of Development Services, via a BDS Zoning Permit.
- D.** Failure to comply with any of these conditions may result in the City's reconsideration of this land use approval pursuant to Portland Zoning Code Section 33.700.040 and /or enforcement of these conditions in any manner authorized by law.

Staff Planner: Stacey Castleberry

Decision rendered by:  **on May 7, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed May 9, 2014.

Note: In addition to the requirements of the Zoning Code, all uses and development must comply with other applicable City, regional, state and federal regulations.

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 February 4, 2014, and was determined to be complete on **March 6, 2014**. *Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 4, 2014. *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 did not

waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 5, 2014.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information. The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 9, 2014**. 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.

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:

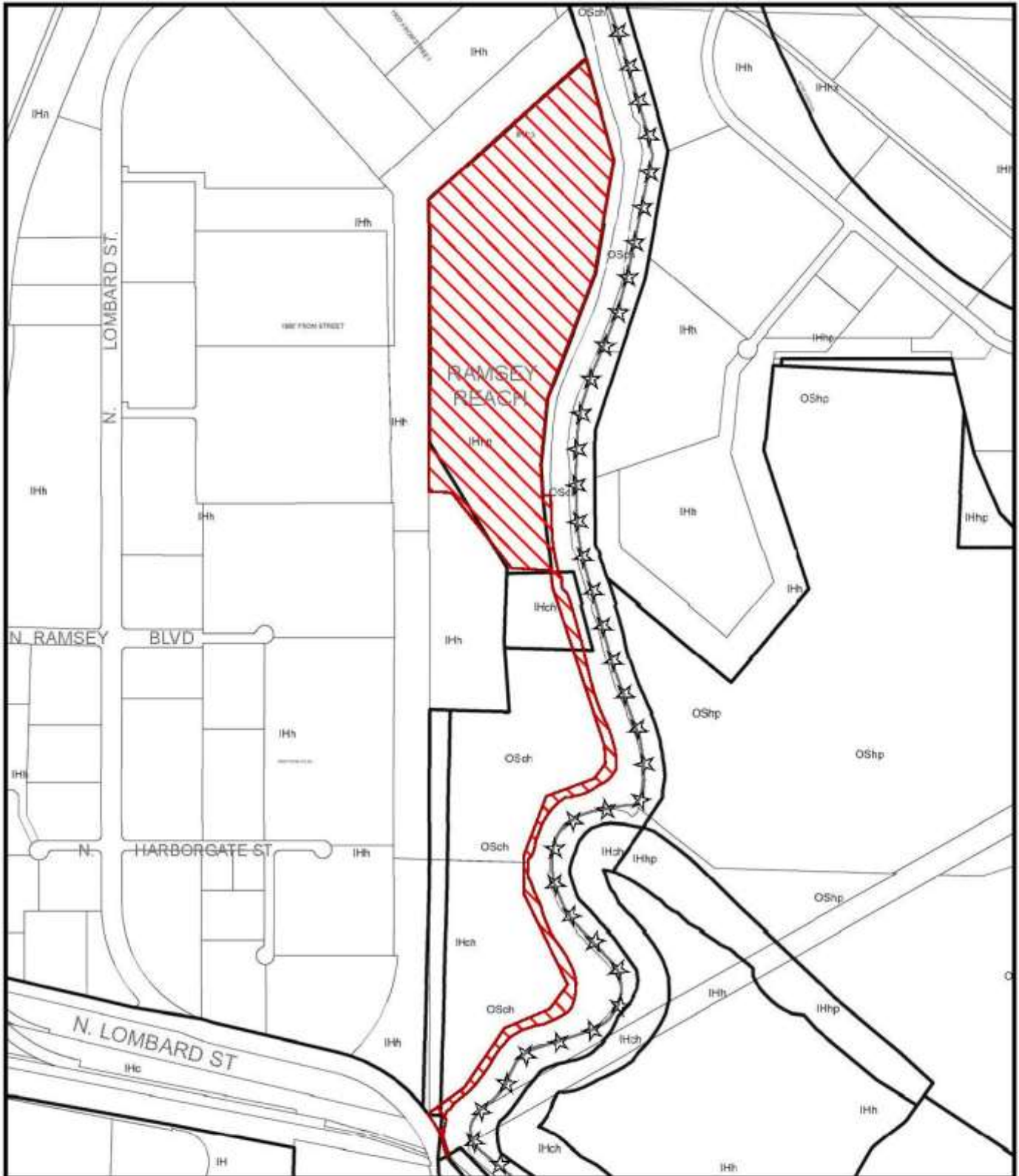
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - C.1 – C.3 Existing Conditions Plans
 - C.4 – C.5 Proposed Development (attached)
 - C.6 – C.7 Cross Sections of LWD Structures
 - C.8 – C.10 Construction Management
 - C.11 Tree Protection Plan (attached)
 - C.12 Revegetation Plan
 - C.13 Turtle Nesting Habitat Plan
- 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. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: --None received.
- G. Other:
 - 1. Original LU Application
 - 2. Completeness message
 - 3. Excerpt from LU 12-167334 CN
 - 4. Excerpt from natural resource inventory

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site

STAR AREA : Lower Columbia Slough



NORTH

File No. LU 14-113701 EN

1/4 Section 1521,1621,1721

Scale 1 inch = 800 feet

State_Id 2N1W36B 100

Exhibit B (Feb 11,2014)



NOTES:

1. NO DISTURBANCE OF TREES, SHRUBS OR GROUNDCOVER IS PROPOSED.
2. NO GRADING IS PROPOSED.
3. LWD STRUCTURES ARE WITHIN THE 100-YR FLOODPLAIN.



Approved*
Portland - Bureau of Development Services

Owner _____ Date _____
 LU # 14-11370-01
 Approval for Environmental Review only. Not a building permit.
 Additional zoning requirements may apply.

[illegible]

—CITY OF PORTLAND—
ENVIRONMENT



PERMIT

LOWER SLOUGH REFUGIA
HABITAT ENHANCEMENT PROJECT

SITE 2 - RAMSEY REACH WEST BANK
PROPOSED DEVELOPMENT
LWD STRUCTURES 1-5

FIG. 04



Exhibit C.5

Figure 1 is a schematic diagram of a land parcel with various boundary types and features. The diagram shows a rectangular parcel with several internal and external boundaries. Key features include:

- EDGE OF PARCELS**: Located at the top left corner.
- EDGE OF DRAIN**: Located at the top right corner.
- QUADRANT**: Located at the bottom left corner.
- ACCESS ROUTE**: Located at the bottom center.
- EDGE OF STREAM**: Located at the bottom right corner.
- FENCE**: Located at the top left corner.
- TOP OF SLOPE**: Located at the top center and top right.
- EASEMENT**: Located at the bottom center.
- RIGHT-OF-WAY**: Located at the bottom left.
- PROPERTY LINE**: Located at the bottom right.
- CONTOUR - MAJOR**: Located at the bottom center.
- CONTOUR - MINOR**: Located at the bottom left.
- TEMP. TYPE DRAINAGE**: Located at the bottom right.
- PLASTIC FENCE**: Located at the top left.
- ORDINARY HIGH WATER (OHW)**: Located at the top center.
- FUNCTIONAL OHW**: Located at the top right.
- WETLAND**: Located at the bottom center.
- C - ZONE BOUNDARY**: Located at the bottom left.
- P - ZONE BOUNDARY**: Located at the bottom right.
- FLOW DIRECTION**: Located at the bottom center, indicated by a wavy line with an arrow.

SEE FIG. 11 "TREE PROTECTION PLAN" FOR SIZE AND SPECIES.

— CRATAEGUS SUKICHOFFI
— FRAXINUS LATIFOLIA
— PINUS PONDOSA
— PINUS SPINOSA
— POSIDONIA BALANITIS
— PSEUDOTSUGA MONZIEI
— SALIX LUCIDA
— SALIX SCOLIMANA

FIG. 1

SITE 2 - RAMSEY REACH
TREE PROTECTION PLAN



CITY OF PORTLAND
ENVIRONMENTAL SERVICES

[illegible]

DATE	1994 MAR 24
TIME	10:00

Approved

City of Portland - Bureau of Development Services

14-13701 EN

Approval for Environmental Review only. Not a building permit.
Additional zoning requirements may apply.

Exhibit C.11